

2020

ANNUAL REPORT
of the
Town Offices



Of the
Town of Egremont
Berkshire County, Massachusetts

For the Fiscal Year 2020



(Photo by Amy Fish)



(Photo by Amy Pulver)



*(Photos by
Fred Harwood)*



(Photo by Jon Caplan)



(Photo by Bridget Brazie)

Above: Baldwin Hill Elm

Pictured on the cover: Prospect Lake Shore Line in the fall
Photo by Mary McGurn

TABLE OF CONTENTS

● Facts about Egremont.....	
● Important Information.....	
● Table of Contents.....	
● Elected and Appointed Officials.....	1
● General Bylaws.....	7
● Assessors.....	28
● Building Commissioner.....	30
● Bylaw Review Committee.....	31
● Cemetery Commission.....	32
● Conservation Commission.....	33
● Council on Aging.....	35
● Emergency Management.....	36
● Finance Committee.....	38
● Fire Department.....	42
● Green Committee.....	44
● Board of Health.....	46
● Highway Department.....	47
● Historical Commission.....	48
● Library.....	50
● Planning Board.....	51
● Plumbing Inspector.....	52
● Police Department.....	53
● Select Board.....	56
● Sustainability Coordinator.....	58
● Technology Committee.....	59
● Tax Collector.....	64
● Town Accountant.....	66
● Town Clerk.....	96
● Southern Berkshire District Department of Veterans' Services.....	97
● Water Department.....	98
● Berkshire Community Action.....	99
● Community Health Programs.....	100
● Construct, Inc.....	101
● Elizabeth Freeman Center.....	102
● Garden Club.....	103
● HospiceCare In the Berkshires.....	104
● Literacy Network of South Berkshire	105
● Railroad Street Youth Project.....	106
● Berkshire South Regional Community Center.....	107
● Southern Berkshire Regional Emergency Planning Committee.....	109
● Housatonic Valley Association.....	110

FACTS ABOUT EGREMONT

INCORPORATED.....	1775
LOCATION.....	Southwestern corner of Mass.
POPULATION.....	1252
LEGAL VOTERS.....	1100
FORM OF GOVERNMENT.....	Town Meeting
TAX RATE FY 2019.....	\$9.49
PUBLIC SCHOOL.....	Southern Berkshire Regional
LIBRARY.....	Egremont Free Library
POLICE 911 or.....	528-2160 Jason LaForest, Chief
FIRE PROTECTION 911 or.....	528-1625 Joseph Schneider, Chief James Olmsted, Assistant
AMBULANCE SERVICE 911 or.....	528-3900 Southern Berkshire Volunteer
STATE POLICE.....	1(413)243-0600
EMERGENCIES.....	911
TOWN OFFICES.....	528-0182 171 Egremont Plain Road Monday-Friday 7:00am - 3:00pm
TOWN ROADS.....	42.19 miles
TOTAL AREA.....	18.91 miles
TOTAL ACREAGE.....	12,039.79
APPROXIMATE ELEVATION.....	800 feet - town center
ANNUAL TOWN MEETING DATE.....	First Tuesday of May May 4, 2021
ANNUAL TOWN ELECTION DATE.....	Second Tuesday of May May 11, 2021

IMPORTANT INFORMATION

Governor

Charles Baker

Lt. Governor

Karyn Polito

United States Senators

Elizabeth Warren

Edward Markey

United States Representative

Richard Neal

First Congressional District

State Senator

Adam Hinds

Berkshire Senatorial District

State Representative

William "Smitty" Pignatelli, Lee

4th Berkshire Representative District

ELECTED AND APPOINTED OFFICIALS

ELECTED:

ASSESSORS:

Susan Turner	2022
Robin Goldberg	2023
Francine Groener	2021

AUDITOR:

CEMETERY COMMISSIONERS:

David Campbell	2023
Steve Agar	2022
John Wells	2021

CONSTABLE:

James Olmsted	2022
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LIBRARY TRUSTEES:

Francine Groener	2022
Margaret Muskrat	2021
Keila Sheldon	2023

MODERATOR:

Stephen Cohen	2022
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PLANNING BOARD:

Nick Keene	2024
Donna Bersch Gordon	2021
Jared Kelly	2023
Matthew Bersani	2025
Ed Regendahl	2022
Associate member: Marj Wexler	2022

SCHOOL COMMITTEE:

Danile Jordan Kelly	2022
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SELECTBOARD:

George McGurn	2023
Lucinda Vermeulen	2022
Mary Brazie	2021

TOWN CLERK:

Juliette Haas	2021
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TREE WARDEN:

James Olmsted	2021
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(Boat on Prospect Lake - photo by Mary McGurn)

A.D.A. COORDINATING COMMITTEE

Tom Reynolds

Paul Lisi

AGRICULTURAL COMMISSION:

Darrell Turner

Peter Maggio

Jennifer Brown

Elizabeth Keene

Max Kolb

DEPUTIES: Bonnie Bassis

James Olmsted

Mark Holmes

Rolfe Tessem

Cathy Fracas

Alternates: Ch

SORS CLERK:

HIRE COUNTY F

Jared Kelly, Representative

Alternate

Bruce Bernstein

George McGurn, Chairman Board of Selectmen

Thomas Reynolds

ING & GROUNDS LA

ING INSPECTOR:

Altern

NT:

REVIEW COMM

Mary McGurn

Eileen Vin

Jenn Frederic

Richard Allen

Richard Slutz

Chet Delaney

Stephen Good

THE STREETS COMM

Corinna B

Mary Brazie

Jared Kelly

Jason LaForte

COMPACTOR OPERATOR:
William T. Wood 2022
Alternates: Highway Department & Scott Fountain & Christopher Guarda

CONSERVATION COMMISSION:
Patrick Riordan 2021
Bill Tynan, 2022
David Seligman 2023
Alexis Fakelmann 2021
David Campbell 2022
Joyce Frater, Associate

COUNCIL ON AGING: 2021
Bruce Bernstein
Georgette Kinney
Helen Krancer
Chet Delaney
Eve Goldberg
Carolyn Palmucci
Linda Warner
Margaret Muskrat, Administrator Assistant

E-911 COORDINATORS:
Mary Brazie 2021
Fire Chief Joe Schneider

EGREMONT-ALFORD CULTURAL COUNCIL:
Robin Goldberg 2022
Margaret Muskrat 2021
Joan Rogers-Kelly-Alford 2024
Sue Arkan-Alford 2024
Mary Ann Hayes-Alford 2021
Francine Groener 2023
Sue Turner 2021
Ellen Shaby 2024
Karen Climo 2021
Ellen Maggio 2021

EMERGENCY MANAGEMENT COORDINATOR:
Edward McCormick 2021
Assistant William Brinker

FENCE VIEWERS:
Kevin Wheeler 2021

FIELD DRIVER:
David Sheldon 2021

FINANCE COMMITTEE:
Laura Allen 2022
Bryan Frank 2023
Amy Pulver 2023
Frank Penglase 2021
Michael Bandzierz 2022
Thomas Berkel 2021

FIRE DEPARTMENT:
Joseph Schneider, Chief 2021
Jim Olmsted, Assistant #2
James Golden, Captain
Dave Guidi, Captain
Roger Meyer, Lieutenant

Paul Sierau, Lieutenant	
Dave Katzenstein, EMS/Tech Rescue Captain	
<u>FOREST WARDEN:</u>	
Joseph Schneider	2021
<u>FRENCH PARK COMMITTEE:</u>	2021
George McGurn, Trustee	
Lucinda Vermeulen, Trustee	
Mary Brazie, Trustee	
Hilary Penglase	
Zoe Hersh	
Melody Lamb	
Elizabeth Spaulding	
David Guidi	
<u>GAS INSPECTOR:</u>	2021
Robert Gennari	
Robert Kruspki, alternate	
<u>GREEN COMMITTEE:</u>	2021
Juliette Haas	
Robin Goldberg	
Marj Wexler	
Richard Allen	
Pat Konecky	
Corinna Barnard	
Emily Eyre	
Barbara Kalish	
<u>HAZARDOUS WASTE COORDINATOR:</u>	
Edward McCormick	2021
<u>HEALTH, BOARD OF:</u>	
Ellen Maggio	2023
Charles Ogden	2021
William Rose	2022
Alternate & Director: Juliette Haas	
<u>HIGHWAY PERSONNEL:</u>	
Donald Peck, Foreman	
Richard LaRose	
Carmello Guarda	
<u>HISTORICAL COMMISSION:</u>	
Steve Piersanti	2022
William Wood	2021
Ellen Maggio	2021
Elliott Snyder	2023
Barbara Kalish	2023
Rebecca Turner	2022
Abigail Rogers-McKee	2020
<u>Housing Committee:</u>	2021
Richard Allen	
Joan Goodkind	
Frederick Gordon	
Craig Barnum	
Mark Holmes	
<u>HUMAN RESOURCES COMMITTEE:</u>	2021
George McGurn	
Laura Allen	
Charles Ogden	

INSPECTOR OF ANIMALS:
 Carla Turner 2021

LIBRARIAN:
 Lesliann Furcht
 Substitute: Marie Erwin, Abigail Rogers-Mckee

MASSACHUSETTS BROADBAND INSTITUTE:
 Jeff Lazarus, Liason 2021

MUNICIPAL COORDINATORS:
 Edward McCormick 2021

PERSONNEL DIRECTOR:
 Cara Becker

PLUMBING INSPECTOR:
 Robert Krupski 2021
 Alternate: Bob Gennari

POLICE DEPARTMENT:
 Police Chief: Jason LaForest 2022
 Full-time Patrol Officer: Hans Carlson 2022
 Maximillan Kolb
 Matthew O'Sullivan
 Joseph Kozlowski
 Part-time Patrol Officers: 2021
 Joseph Pravia
 Michael Renton
 Jeffrey Spratt
 Malcolm McCain
 Police Details Only: Brian Shaw
 Police Administrative Assistant: Margaret Avenia

POLL WORKERS:
 Juliette Haas, Town Clerk 2021
 Marlene Soudant, Warden
 Susan Turner, Warden
 James Olmsted, Constable
 Barbara Shultis, Marj Wexler, Gerard Lanoue, Peg Muskrat, Monica
 Lanoue, Jeanne Peck, Lisa Eckland,

POUND KEEPER:
 Bonnie Bassis 2021

REGISTRARS, BOARD OF:
 Juliette Haas, Chair 2021
 Lizzie Spaulding
 Carissa Mann
 Marcia Arland

ROAD SUPERINTENDENT:
 James Noe

SCHOOL CROSSING GUARD:
 Egremont Police Department

SELECTMEN'S OFFICE ADMINISTRATOR:
 Mary Ann Brazie

SURVEYORS OF LUMBER:
 Peter Barrett 2021

TRAILS AND GREENWAYS COMMITTEE: 2021
 Bruce Bernstein
 David Seligman
 Lucinda Vermeulen
 Pat Konecky

Patrick Riordan	
Marshall Bouton	
Lizzie Spalding	
Will Conklin	
Ari Zorn	
<u>TOWN COUNSEL:</u>	
Firm of Hannon, Lerner, Cowhig, Scully & Bell	2021
Lead Attorney: Jeremia Pollard	
<u>TOWN HALL OFFICE CLERK:</u>	
William Brinker	
<u>TOWN HISTORIAN:</u>	
William H. Wood	2021
<u>TREASURER/TAX COLLECTOR:</u>	
Susan Funk	
<u>VETERANS' AGENT:</u>	
Laurie Hils	2021
<u>VETERAN'S SERVICES:</u>	
Thomas Gage	2021
<u>WATER COMMISSION:</u>	
Max Kolb	2022
Ray Palmucci	2023
Gerard Lanoue	2021
<u>WATER DEPARTMENT ADMINISTRATOR/CLERK:</u>	
William Brinker	
<u>WATER DEPARTMENT OPERATOR:</u>	
Nathan Stalker	
<u>WIRE INSPECTOR:</u>	
Ted Piontek	2021
Alternate: Robert Clausen	



(Baldwin Hill Elm - photo by Karen Berger)

Reformatted General Bylaws for May 7, 2019 Special Town Meeting – Article 3

Approved by the Attorney General's Office - August 19, 2019

Amended September 17, 2019. Adopted by the Attorney Generals Office December 16, 2019

Amended October 13, 2020. Pending approval by the Attorney Generals Office

COMMONWEALTH OF MASSACHUSETTS

TOWN OF EGREMONT

GENERAL BYLAWS

1 Town Meetings

1.1 Meeting schedule

- 1.1.1 Per a vote of Town Meeting on May 31, 1973 it was designated that the first Tuesday of May is the date of the Annual Town Meeting and the second Tuesday in May is the date of the Town Election.

1.2 Quorum:

- 1.2.1 The presence of sixty (60) voters at a Town Meeting for the transaction of business shall constitute a quorum, except for a motion to adjourn, for which no quorum shall be required. The number of persons constituting a quorum may only be altered at an Annual Town Meeting.

1.3 Posting:

- 1.3.1 Attested copies of all Town Meeting Warrants shall be posted by the Town Constable or other person so designated by the Board of Selectmen, in four (4) public places or more, within the Town, for at least fourteen (14) days before the holding of said meeting, or to take any other action relative thereto.

1.4 Voting:

- 1.4.1 Articles in the Warrant shall be acted upon in the order in which they stand, unless the meeting shall direct otherwise by majority vote. No article shall be prejudiced by such action.
- 1.4.2 All motions at a Town Meeting shall be reduced to writing if so requested by the Moderator or any legal voter.
- 1.4.3 Any vote to raise and appropriate money by issuing bonds or notes of the Town except as provided in Section 17 of Chapter 44 of the General Laws and amendments thereto and any vote concerning a raise in the limit of indebtedness of the Town hereafter taken shall be acted upon at any annual town meeting or special town meeting in the warrant for which such article or articles appear by written secret ballot.

1.5 Special Town Meetings

- 1.5.1 The Selectmen shall place in the local newspaper a synopsis of the warrant for any special town meeting at least fourteen (14) days before the date of said meeting and copies of the warrant shall be available to the public at the place of said meeting.

1.6 Right of Speech

- 1.6.1 All Town of Egremont property tax payers have the same right to speak at the Town's Annual Meeting and all other town meetings as those who

are registered to vote in the Town of Egremont, subject to the right of the Egremont Town Moderator to maintain order at Town Meetings.

2 Warrants and Articles

- 2.1 All articles in any warrant shall be referred to and considered by the Finance Committee for its recommendations.

3 Elections

- 3.1 SELECT BOARD TERMS OF OFFICE: In May, 1999, one member shall be elected for a three year term, one for a two year term, and one for a one year term. Thereafter, beginning with the election in May, 2000, and each year thereafter, each expiring term shall be filled by a three year term.

4 Boards And Committees

- 4.1 All boards and committees shall, within one week after election or appointment, elect a chairperson and secretary, and give notice of such election to the Town Clerk.

4.2 Reports and Stewardship:

- 4.2.1 The Selectmen shall annually, by December 1 after the close of the preceding fiscal year, cause to be distributed among the taxpayers of the Town, a detailed report in print of all money received into and paid out of the Town Treasury during that preceding fiscal year, which report shall be examined and approved by the Auditor before it is printed. The Selectmen shall also publish in said report such information and recommendations as they may deem proper.

4.3 Finance Committee

4.3.1 Duty and Authority:

- 4.3.1.1 It shall be the duty of the Finance Committee to investigate the cost of maintenance of the different departments of the Town, and they shall recommend in detail the amounts to be appropriated for each department for the ensuing year.

- 4.3.1.2 The committee shall have authority to summon before it for such information and investigation as it shall deem necessary, any of the Town officials and reports, for such examination considered by it necessary to the proper discharge of its duties.

- 4.3.2 Said committee shall be constituted as follows: six voters to be appointed by the moderator within seven (7) days after the annual town elections, none of whom shall hold any other town office, two to serve for a term of one year, two to serve for a term of two years, and two to serve for a term of three years, or until their successors are chosen.

- 4.3.3 Successors shall be chosen by a majority vote of a committee within twenty-one (21) days after the Annual Town Elections. Said committee shall consist of two Selectmen chosen by the Selectmen, two of the remaining members of the Finance Committee, chosen by the Finance Committee, and the Moderator. Said committee shall not contain the same two Selectmen or the same two Finance Committee members in successive years. Chairperson of said committee shall rotate between a Selectman, a Finance Committee member, and the Moderator in successive years. Vacancies shall be filled as soon as possible in the same manner as are successors. Any member appointed to the

committee in accordance with the foregoing sentence shall serve for the unexpired portion of the term of the member whom he is replacing.

4.4 Council on Aging

- 4.4.1 The Selectmen shall annually within thirty (30) days following the annual election appoint a minimum of five (5) and not more than seven (7) registered voters of the town to serve as a municipal Council of Aging in accordance with the provisions of Section 8B of Chapter 40 of the General Laws.
- 4.4.2 The Council shall organize by choosing from its membership a chairman and clerk of said Council.
- 4.4.3 The Council shall submit an annual report to the town meeting and furnish copies to the State Commission on Aging.
- 4.4.4 The Council may appoint such clerks and other employees as it may require.
- 4.4.5 The Council shall coordinate and carry out programs designed to meet the problems of the aging in cooperation with programs of the State Commission on Aging as established by Section 73 of Chapter 5 of the General Laws.

5 Legal Affairs

- 5.1 The Selectmen have the full authority as agents of the town to institute and prosecute suits in the name of the town, and to appear and defend suits brought against it, unless it is otherwise specially ordered by a vote of the town. They may, with the advice of counsel, settle any compromise suits or claims where the settlement shall not call for payment of more than three hundred (\$300.00) dollars.
- 5.2 The Board of Selectmen is authorized to initiate proceedings for the non-criminal disposition of violations of Town By-laws or any rules or regulations of any municipal officials, boards or departments, the violation of which is subject to a special penalty. The procedures set forth in MGL Chapter 40, Section 21D are hereby adopted for said non-criminal disposition of violation.

6 Finances of the Town

6.1 Taxes

- 6.1.1 Definitions; Tax Collector - The municipal official responsible for records of all municipal taxes, assessments, betterment and other municipal charges.
- 6.1.2 The Tax Collector shall annually furnish to all municipal Licensing Authorities a list of any parties that have neglected or refused to pay any local taxes, fees, assessments, betterment or other municipal charges for a period of not less than twelve (12) months, provided that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.
- 6.2 The Office of the Treasurer/Collector, shall pay all fees received by said officer by virtue of said officer's office to the town treasurer for deposit into the General Fund of the Town, as allowed under M.G.L. Chapter 40, Section 21, Clause 13. (Effective 8/29/98)
- 6.3 Departmental Revolving Funds
 - 6.3.1 Purpose. This by-law establishes and authorizes revolving funds for use by town, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate

fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, 53E 1/2.

6.3.2 Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

6.3.2.1 Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

6.3.2.2 No liability shall be incurred in excess of the available balance of the fund.

6.3.2.3 The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectboard and Finance Committee.

6.3.3 Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

6.3.4 Procedures and Reports. Except as provided in General Laws Chapter 44, Section 53E 1/2 and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

6.3.5 Authorized Revolving Funds. The Table establishes:

6.3.5.1 Each revolving fund authorized for use by a town department, board, committee, agency or officer,

6.3.5.2 The department or agency head, board, committee or officer authorized to spend from each fund,

6.3.5.3 The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant,

6.3.5.4 The expenses of the program or activity for which each fund may be used,

6.3.5.5 Any restrictions or conditions on expenditures from each fund;

6.3.5.6 The fiscal years each fund shall operate under this by-law.

A	B	C	D	E	F
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Revolvin g Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrict ions or Conditio ns on Expenses Payable from Fund	Fiscal Years
French Park	Board of Selectmen and Buildings & Grounds	Donations received for use of the park	Expenses to operate the park	No wages	Fiscal Year 2019 and subseque nt
Home Compost Bins	Board of Selectmen and Sustainability Coordinator	Proceeds from sale of bins	Purchase of new bins to replenish supply		Fiscal Year 2019 and subseque nt
Zoning Board of Appeals	Zoning Board of Appeals	Special permit application fees	Expenses associated with special permit applications/ hearings (advertising, mailings)	No wages	Fiscal Year 2019 and subseque nt
Dog License & donatio ns fund	Town Clerk	Fees charged for licensing of dogs & donations for use of Dog Park	Purchase of dog licenses, expenses related to issuing dog licenses, fees to Town Clerk, expenses at dog park (i.e poop removal, fence repairs, etc.)	No wages	Fiscal Year 2019 and subseque nt
Inspect or Wages	Wiring, Plumbing & Gas Inspectors	Fees charged and received by the inspectors for electrical, gas and plumbing inspections	Salaries or wages of inspectors performing electrical, gas and plumbing inspections and other serviced related to those inspections	Does not include Building or Health Inspecto rs or their expenses	Fiscal Year 2019 and subseque nt
Compost able	Green Committee and	Charges for selling	Purchase of new compostable	No wages	Fiscal Year

Materials	Sustainability Coordinator	compostable materials	materials: plates, cups, plastic wear, table covers, etc.		2019 and subsequent
Recycling Proceeds	Board of Selectmen and Sustainability Coordinator	Proceeds from sale of containers, papers, metals	Expenses related to trash and recycling programs. Purchase of equipment related to trash and recycling programs.		Fiscal Year 2019 and subsequent
Planning Board	Planning Board	Special permit application fees	Expenses associated with special permit applications/hearings (advertising, mailings)		Fiscal Year 2019 and subsequent
French Park Dog Park	Board of Selectmen and Trustees of French Park	Donations from users of the dog park	Expenses related to the dog park: repairs, poop removal, containers	No wages	Fiscal Year 2019 and subsequent

7 Water Resources

7.1 Harbors, Rivers and Lakes

- 7.1.1 A Harbor Master, to enforce state and local regulations, including the provisions of this Bylaw, is to be appointed annually by the Selectmen as of July 1 each year.
- 7.1.2 Disposal of waste of any type is strictly prohibited by Bylaw and in State law within or upon the waters and waterways of the Town.
 - 7.1.2.1 The fine for each offense shall be \$50.00 payable to the Town of Egremont. Other offenses under M.G.L. Chapter 90B shall be fined, subject to the decision of the Harbor Master, who will enforce the provisions of such Chapter 90B for the Town.
- 7.1.3 Prospect Lake:
 - 7.1.3.1 No boat propelled by an engine of more than ten (10) horsepower shall be operated on Prospect Lake in said Town.
 - 7.1.3.2 Any vessel propelled by internal combustion engine shall not exceed a speed of 10 m.p.h. on the waters of Prospect Lake.
 - 7.1.3.3 No vessel propelled by internal combustion engine shall be operated on Prospect Lake at any time before sunrise nor after sunset, except for emergencies or with written permission of the Harbor Master.

8 Employees

8.1 Hiring/Appointment

- 8.1.1 The Board of Selectmen shall require all applicants for appointments as full-time Town employees to be appointed on the basis of their qualifications and shall compile a job description for each such appointment.

9 Environment and Recycling

- 9.1 The town, in order to recycle as much as possible of solid waste generated within the Town, authorizes the Selectmen to enact rules and regulations to require everyone disposing of solid waste at a Town facility to separate recyclable material from their solid waste and to dispose of such recyclable material in designated areas so that it may be recycled.
- 9.2 For the purpose of this bylaw, the term "recyclable" shall mean: glass, paper, and metal, as well as other material the Selectmen may determine can be recycled. The Selectmen may set a fine not to exceed \$100.00 for each violation of this bylaw.
- 9.3 All bylaws, rules, and regulations or other documents inconsistent with the provisions of this bylaw are hereby repealed to the extent of the inconsistency.
- 9.4 This bylaw and the various parts, sentences, or clauses thereof are hereby declared to be severable. If any part, sentence, or clause is adjudged invalid, it is hereby provided that the remainder of this bylaw shall not be affected thereby.
- 9.5 The Selectmen shall have the authority to add, alter or delete items to be separated as markets for recycled goods change.

10 Licenses and Permits

- 10.1 Licensing Authority - Any department, board, commission or division that issues local licenses or permits of any kind, including renewals and transfers.
- 10.2 Party - Any person, corporation or business enterprise.
- 10.3 With the exception of licenses and permits specified below in this Bylaw, the Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list (noted above) furnished to the Licensing Authority from the Tax Collector, and said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party.

- 10.3.1 Before any such denial, revocation or suspension, however, written notice shall be given to the Party by certified mail, return receipt requested, and to the Tax Collector, both in accordance with applicable provisions of law, and the Party shall be given a hearing, to be held not earlier than fourteen (14) days after receipt of said notice. For the purposes of this section, said notice shall be deemed received on the return receipt. In the event the Party fails or refuses to accept said written notice and/or the return receipt is unsigned or undated, the notice shall be deemed to have been received on the third business day following the date of mailing, as determined by the postmark or other evidence.

- 10.3.2 The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial,

revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the License Authority receives a certificate issued by the Tax Collector certifying that the party is in good standing with respect to any and all local taxes, fees, assessments, betterment or other municipal charges, payable to the Town of Egremont as of the date of issuance of said certificate.

10.3.3 Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

10.4 The Board of Selectmen, upon written request, may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of Chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

10.5 Notice of the public hearing shall be posted on the principal bulletin board in the Town Hall not less than seven (7) days before the hearing and shall be advertised in a newspaper of general circulation within Egremont once each in two succeeding weeks, with the date of first publication not less than fourteen (14) days before the date of the hearing.

10.6 This Bylaw shall not apply to the following licenses and permits:

10.6.1 Open burning (MGL Ch.48, Sect.13)

10.6.2 Bicycle permits (MGL Ch.85, Sect.11A)

10.6.3 Sales of articles for charitable purposes (MGL Ch.101, Sect.33)

10.6.4 Children work permits (MGL Ch.149, Sect.69)

10.6.5 Clubs, associations dispensing food or beverage licenses (MGL Ch.140, Sect.21E)

10.6.6 Dog licenses (MGL Ch.140, Sect.137)

10.6.7 Fishing, hunting, trapping licenses (MGL Ch.131, Sect.12)

10.6.8 Marriage licenses (MGL Ch.207, Sect.28)

10.6.9 Theatrical events, public exhibition permits (MGL Ch.140, Sect.181)

11 Energy and Environment

11.1 Stretch Energy Code

11.1.1 For the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereof, a copy of which is on file with the Town Clerk.

12 Property Enhancements: Private and Business

12.1 Alarms

12.1.1 Permits, Fees, and Revocation

- 12.1.1.1 The Board of Selectmen is hereby authorized to grant a revocable permit to any owner, lessee or occupant of property located in the town to operate, maintain, install or modify a police or fire alarm device, and no such device shall be operated unless such permit shall have first been issued.
- 12.1.1.2 The Board of Selectmen shall charge an annual fee of twenty-five dollars (\$25.00) for the issuance of such permit.
- 12.1.1.3 A permit issued pursuant to this bylaw may be revoked at any time or from time to time by the Board of Selectmen upon giving of ten (10) days= notice in writing, by registered or certified mail, to the permittee, sent to the address shown on the permit. The violation of this bylaw shall constitute grounds for the revocation of the permit.
- 12.1.1.4 Penalties for Offenses - Any person operating an alarm system without a permit from the Board of Selectmen violates the provision of this bylaw and shall be subject to a fine of fifty dollars (\$50.00) for each offense. Each subsequent month shall constitute a new violation and an additional fine of fifty dollars (\$50.00) shall be assessed to anyone who has not paid the permit fee. If, after six months since the first billing date, the fees and fines remain unpaid, the Town will revoke the alarm permit and take action to have the alarm system disconnected and a new installation application must be made by a certified alarm installer and fees and fines paid before reconnecting the alarm.
- 12.1.2 Definitions--As used in this by-law, the following terms shall have the meanings indicated:
- 12.1.2.1 **Alarm Systems**--Any alarm device, whether police, fire or medical, which automatically emits an audible, visual, or other response upon the occurrence of any hazard or emergency and is intended to alert persons outside the building to the existence of said hazard or emergency, including alarm signals transmitted to privately operated alarm monitoring companies.
- 12.1.2.2 **False Emergency Alarm**--Any signal actuated by an emergency alarm to which the Police or Fire Department responds which is not the result of fire, holdup, robbery, or other crime emergency.
- 12.1.2.3 **Police Emergency Number**--Any telephone number designated by the Chief of Police as a telephone number through which members of the public or alarm monitoring company may report an emergency or request public assistance.
- 12.1.3 Dialing Devices--No person shall use, operate or install any alarm system without a permit issued by the Board of Selectmen. Any system installed on or after the effective date of this by-law must comply with

this by-law. Pre-existing installations must comply within six (6) months of the effective date of this bylaw.

12.1.4 Responsibilities of Installer, User:

12.1.4.1 The user of every alarm system maintained in the town, except those installed in motor vehicles, shall within ten (10) days of installation thereof or within sixty (60) days of the enactment of this bylaw, file the following information with the Selectmen's Office of the Town of Egremont:

- 12.1.4.1.1 Name, address, and phone number of the property owner.
- 12.1.4.1.2 Type of alarm system.
- 12.1.4.1.3 Street address and the nearest cross street of the building which houses the alarm.
- 12.1.4.1.4 In the case of commercial premises, the name, address, and telephone number of an authorized representative and/or an alternate who will be able to respond when called by Police to deactivate the alarm system, if necessary.
- 12.1.4.1.5 In the case of a private residence, the name, address, and telephone number of a person who is not a resident of the private residence in question and who will be able to deactivate the alarm system.
- 12.1.4.1.6 **Delay**--Upon the activation of a burglary (break-in) alarm there shall be a mandatory delay of at least fifteen seconds before the transmission of a signal/call to enable the user to abort the signal in the event that it was triggered inadvertently. This delay shall not be applicable to a robbery (hold-up), fire or medical emergency alarm.
- 12.1.4.1.7 **Timing Device**--The user of every alarm system shall, at the time such system is installed, or within six (6) months of the effective date of this bylaw in the case of existing systems, install or cause to be installed an automatic timing device which shall deactivate such alarm so that it will be activated for no more than fifteen (15) minutes.

12.1.4.2 False or Uncontrolled Alarm Noise/Disconnection

- 12.1.4.2.1 **False Alarms**--After the issuance of a permit, a fee will be charged for responses to the building/residence for any false alarm, including an alarm malfunction or an accidental alarm, based on a responding

officer's determination. When responding to such an alarm, a fee of fifty dollars (\$50.00) will be charged for the second response, one hundred (\$100.00) for each subsequent response. After the third response within a twelve-month period, the permit may be revoked by the Board of Selectmen, and the alarm system disconnected, until the alarm system has been re-certified by a reputable installer of alarms. All such alarm fees will be payable to the Town of Egremont.

12.1.4.2.2 **Disconnection**--In the event that an alarm system emitting an audible, visual, or other similar response shall fail to be deactivated within the time limitation specified in Section 4 above, the Town shall have the right to take such action as may be necessary in order to disconnect any such alarm.

12.2 Swimming Pools

12.2.1 A swimming pool, whether above or below ground, whether public or private, is subject to the following requirements:

12.2.1.1 A pool permit obtained through the Building Inspector shall require that all pools be surrounded by at least a 4-foot-high fence, rigidly held in place, constructed of or faced with (i.e. on the outside) a wire mesh fence having openings no greater than 3" in diameter, with a safety latch on the gate to help prevent accidental drowning. All other types of fencing designed to prevent young children from climbing over or crawling under and/or through may be allowed at the discretion of an with the permission of the Building Inspector.

12.2.1.2 All above ground pools must have detachable ladders and/or platforms that are removed when pool is not in use. There shall not be any permanent attached access to the pool.

12.2.1.3 All public and semi-public pools shall be regulated by the Mass. State Building Code Article 6, Section 625.0

12.2.1.4 Pre-existing pools must comply within twelve (12) months of the effective date of this bylaw. (February 24, 1992 effective date.)

12.2.2 Violators of this bylaw shall be subject to a fine of \$50.00 a day.

12.3 House and Dwelling Numbers

12.3.1 Numbers for each dwelling, each apartment, and each business, and other buildings in the Town of Egremont shall be those assigned in accordance with the street number survey by the Egremont E 9-1-1 Coordinator.

12.3.2 It shall be the responsibility of each property owner in the town to obtain and install the number or numbers assigned to the affected structure or structures within ten (10) working days of the assignment.

- 12.3.3 The owner of the property seeking a building permit for a new building or structure shall apply for and receive such a building number designation or numbers from the 9-1-1 Coordinator as a part of the application to the Building Inspector for a building permit and/or as a part of the application to the Road Superintendent for a driveway permit, and no permit shall be issued without designation of such building number. The numbers must be installed on the property before any construction or construction preparation begins.
- 12.3.4 Reflective numbers shall be placed at the main entrance to the structure; that is, on the road on a suitable support so that they are clearly visible from the street. The size of the numbers to be no less than 3 inches high, and placed no higher than six (6) feet above ground level, and no lower than 3 feet above ground level, and for structures begun after July 1, 2002 no lower than 42 (forty-two) inches above ground level.
- 12.3.5 This Bylaw shall be enforced by the Board of Selectmen of the Town of Egremont, either directly or through an enforcer to be appointed by them. Failure to comply with this Bylaw shall subject the offending property owner to a fine not exceeding ten dollars (\$10.00) per day after proper notification of failure to such owner.
- 12.3.6 All residents shall have 3 months from the date of inception of this bylaw to comply.

12.4

Tennis Courts

- 12.4.1 Prior to construction of a tennis court, written application for a tennis court permit shall be made to the Building Inspector, said application to include the name of the property owner and the location of the proposed tennis court indicated on a plot plan.
- 12.4.2 The Building Inspector shall, within 30 days of receipt of the aforesaid application, determine whether said proposed tennis court conforms to all applicable regulations and, if so, shall issue a tennis court permit within said 30 days.
- 12.4.3 No construction of the proposed tennis court shall occur unless a tennis court permit shall have been issued.
- 12.4.4 Upon issuance of a tennis court permit, the Building Inspector shall simultaneously forward a copy of said permit to the Board of Assessors.
- 12.4.5 The owner of a tennis court pre-existing the date of acceptance of this Bylaw by the Attorney General of Massachusetts must inform the Assessors of the tennis court's existence within 30 days following said date.
- 12.4.6 Failure to comply with this Bylaw shall subject the offending violator to a fine not exceeding fifty dollars (\$50.00) per day after proper notification of failure to such violator.
- 12.4.7 This Bylaw shall be enforced by the Town Building Inspector.

13 Agriculture

13.1

Agricultural Commission

- 13.1.1 There shall be an Agricultural Commission to address agricultural matters and represent agricultural interests in the Town of Egremont.
- 13.1.2 The mission of the Egremont Agricultural Commission shall be to:

- 13.1.2.1 Encourage the pursuit of agriculture in the Town, both as a business and as a community resource
- 13.1.2.2 Promote the protection and preservation of farms and farmland
- 13.1.2.3 Promote agricultural-based economic opportunities
- 13.1.2.4 Articulate agriculture-related planning needs
- 13.1.2.5 Advise other Town Boards and commissions on activities pertaining to agricultural lands in Town
- 13.1.2.6 Act as an educator and negotiator in agricultural matters
- 13.1.2.7 Promote the visibility and vitality of farming in Egremont
- 13.1.3 The Commission shall consist of five members appointed by the Board of Selectmen. At least three of the members shall be actively engaged in agriculture, and the remainder shall be interested in agriculture. The diversity of agriculture in Egremont shall be recognized in choosing the Commission members. The initial terms for the first members of the Commission shall be three years for two members, two years for two members, and one year for one member. Thereafter, the term of each member shall be three years. Vacancies shall be filled by the Board of Selectmen in such a manner as to maintain the cycle of appointments, based on the recommendations of the Commission.

13.2 Right To Farm

13.2.1 Purpose and Intent

- 13.2.1.1 The Town of Egremont finds that farming is an essential and valued activity, which provides fresh food, clean air, economic diversity, local employment, and open spaces to all the citizens of our town. This bylaw is intended to encourage the pursuit of agriculture, promote agricultural-based economic and employment opportunities, and protect farmland within the Town of Egremont. The purpose is to allow agricultural uses and related activities to function in harmony with the community, town agencies and others. This bylaw shall apply to all jurisdictional areas within the Town.

- 13.2.2 This bylaw restates with emphasis the right to farm accorded to all citizens of the Commonwealth of Massachusetts as stated under the Constitution and General Laws and Regulations, including but not limited to Article 97, of the Constitution, Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1: (The Zoning Act) Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128, Section 1A.

13.2.3 Definitions:

- 13.2.3.1 A Farm shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto. A Farm shall include youth related agricultural activities, such as but not limited to 4-H.

- 13.2.3.2 Farming or Agriculture shall include, but not be limited to the following:

- 13.2.3.2.1 Farming in all its branches and the cultivation and tillage of the soil
- 13.2.3.2.2 Dairying
- 13.2.3.2.3 Orchards
- 13.2.3.2.4 Production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities
- 13.2.3.2.5 Growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations
- 13.2.3.2.6 Raising of livestock including horses
- 13.2.3.2.7 Keeping of horses as a commercial enterprise and
- 13.2.3.2.8 Keeping and raising of poultry, sheep, goats, swine, cattle, ratites (such as emus, ostrich and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals
- 13.2.3.2.9 Farming shall encompass activities including, but not limited to, the following:
- 13.2.3.2.10 Operation and transportation of slow-moving farm equipment over roads within the Town
- 13.2.3.2.11 Control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals
- 13.2.3.2.12 Application of manure, fertilizers and pesticides
- 13.2.3.2.13 Conducting agriculture-related educational and farm-based recreational activities, including agritourism, provided that the activities are related to marketing the agricultural output or services of the farm
- 13.2.3.2.14 Processing and packaging of the agricultural output of the farm and the operation of a farmer=s market or farm stand including signage thereto
- 13.2.3.2.15 Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products

13.2.3.2.16 On-farm relocation of earth and the clearing of ground for farming operations

13.2.3.2.17 Revitalizing drainage or irrigation ditches, picking stone, erecting, repairing or maintaining fences, and clearing, rejuvenating and maintaining pastures and

13.2.3.3 Herding of livestock from area to area, including along roads

13.2.4 Right To Farm Declaration

13.2.4.1 The Right to Farm is hereby recognized to exist within the Town of Egremont. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, consideration shall be given to both traditional customs and procedures, as well as to new practices and innovations. Moreover, nothing in this Right to Farm By-law shall be deemed as acquiring any interest in land.

13.2.4.2 The protections contained in this by-law do not replace any applicable zoning or legal restrictions associated with agricultural operations.

13.2.5 Notification to Real Estate Buyers

13.2.5.1 In order to allow prospective purchasers to make informed decisions prior to a real estate transaction and to promote harmony between farmers and their new neighbors after a transaction, the Town of Egremont requests selling landholders and/or their agents (and assigns) to provide written notice to prospective purchasers substantially as follows:

13.2.5.1.1 It is the policy of the Town of Egremont to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers that the property they are about to acquire lies within a town where farming activities

occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Purchasing, and henceforth occupying land within Egremont means that one should expect and accept such conditions as a normal and necessary aspect of living in Egremont.

13.2.5.2 Written notification may occur in one of several ways including but not limited to a disclosure form, addendum to a Purchase and Sale Agreement and should include an acknowledgment by the buyer that they have received notification.

13.2.5.3 Within 30 days after this by-law becomes effective the Board of Selectmen shall make available for use by selling landowners or their agents (and assigns) copies of example written notifications.

13.2.6 Within 30 days after this by-law becomes effective, The Board of Selectmen shall prominently place in the Town Hall the above disclosure.

13.2.7 Within 30 days after this by-law becomes effective the Tax Collector shall include a copy of the above disclosure with responses to requests for Municipal Lien Certificates.

13.2.8 Resolution of Complaints

13.2.8.1 Any person having a complaint about a farm activity or practice is encouraged to seek an amicable resolution to the complaint, including talking directly with the involved farmer.

13.2.8.2 Such person may, notwithstanding pursuing any other available remedy, request resolution assistance from the Board of Selectmen. Such a request does not suspend the time within which to pursue any other available remedies.

13.2.8.3 The Board of Selectmen may appoint a panel of at least three individuals, to include representation from farmers, or refer such request to an Egremont Agricultural Commission, should one exist.

13.2.8.3.1 Said panel or Agricultural Commission shall review and facilitate the resolution of such a request, and report its recommendations to the Board of Selectmen within the agreed upon time frame.

13.2.9 Severability Clause

13.2.9.1 If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Egremont hereby declares the provisions of this By-law to be severable.

14 Non-Agricultural Animals and Other Pets

14.1 Dogs:

- 14.1.1 Any person owning and keeping an unlicensed dog within the Town shall, under the provisions of Section 141 of Chapter 140 of the General Laws and amendments thereto, be subject to a fine of twenty-five dollars (\$25.00), which fine shall be in addition to the applicable licensing fee as prescribed by law.
- 14.1.2 Any person owning or keeping a dog within the Town in violation of a muzzling and/or restraining order issued by the Board of Selectmen of the Town and in effect at the time under the provisions of Section 167 of Chapter 140 of the General Laws shall be subject to a fine of fifteen dollars (\$15.00) for the first offense and twenty-five dollars (\$25.00) for the second offense.
- 14.1.3 Whenever a complaint is sought in District Court for a second or subsequent violation under the provision of Section 173 of Chapter 140 of the General Laws, the fines set forth in Section 173A of said Chapter 140 shall apply.

15 Sewers and Sewerage

15.1 Septic System Tight Tanks

- 15.1.1 All septic systems which rely on "Tight" tanks must have installed an alarm system which is triggered when the tank is 65% full and a 2nd alarm system which automatically shuts off water supply to the house when the waste water level reaches 90% of the tank's capacity.

16 Hawkers and Peddlers and Tag Sales

- 16.1 Except as provided in Massachusetts General Laws, Chapter 101, Section 17 and Section 22, no person shall act as a door-to-door hawker, peddler, or transient vendor within the Town of Egremont without having obtained a license for such purposes from the Select Board.

- 16.2 The penalty for violation of this bylaw shall be a fine of \$20.00 for each violation. Each day such violation continues shall constitute a separate violation. The enforcing agent shall be the Police Department.

16.3 Tag Sales

- 16.3.1 Tag sales and sales of similar nature within the Town of Egremont will be allowed at any location, by permit from the Board of Selectmen.
- 16.3.2 The fee will be set by the Board of Selectmen.
- 16.3.3 Up to three tag sales at the same location and/or by the same person will be permitted in one calendar year with the fees increased for each successive sale.
- 16.3.4 Permits must be applied for 14 days prior to the sale and shall not be advertised prior to obtaining a permit. Violators of this bylaw shall be subject to a fine of \$50.00.
- 16.3.5 All posted signs, notices, posters, etc., advertising a tag sale and sales of similar nature must be removed within 24 hours of the closing of said sale. Violators of this Bylaw shall be subject to a fine of \$10.00 per day.

17 Roads and Bridges and Driveways

17.1 Access to Public Ways

- 17.1.1 Definitions (for the purpose of this Bylaw only)

- 17.1.1.1 Abutting property owner: a person or entity owning property bordering on a way.

17.1.1.2 Driveway: a driveway, private road, logging road, temporary access for construction, logging or testing, and other privately owned vehicular access to and egress from a way; excluding temporary access when no excavation is performed or fill added.

17.1.1.3 Public Way: a way laid out by a public agency, or dedicated to public use or laid out for public use or used and maintained as a public way.

17.1.1.4 Way: any public way which is not subject to G.L. Ch. 81, S. 21 (state curb cut permit).

17.1.2 Purposes

17.1.2.1 To provide maximum protection to the public through the orderly control of traffic moving onto and from a way;

17.1.2.2 To provide a uniform practice in the design and construction of entrances and exits;

17.1.2.3 To provide the necessary drainage.

17.1.3 Permits

17.1.3.1 Any abutting property owner desiring to gain access to a way or desiring to alter, change or close an existing driveway shall do so only in accordance with the provisions of a permit issued by the Board of Selectmen.

17.1.4 Application

17.1.4.1 Before beginning construction, the abutting property owner or his duly authorized agent shall make written application, on forms available at the Town Hall, to the Highway Superintendent, including a plan showing:

17.1.4.1.1 Any driveway that is to be created, altered or closed; and

17.1.4.1.2 details on drainage.

17.1.4.2 The application shall contain a description of the proposed construction as far as it encroaches upon or affects the public road or public way and its shoulders, banks, ditches, drainage and other features.

17.1.4.3 The application shall also describe the effect on traffic.

17.1.4.4 A fee of \$50.00 shall be paid to the Town of Egremont when the application is submitted to the Highway Superintendent.

17.1.5 Processing of applications by the Highway Superintendent

17.1.5.1 The Highway Superintendent shall examine the application in order to determine if it conforms to sound design requirements, including those listed in the section below.

17.1.5.2 He shall make a recommendation to the Board of Selectmen within ten (10) days after receipt of the written application, setting forth conditions that he deems reasonable.

17.1.6 Action by the Board of Selectmen

17.1.6.1 The Board of Selectmen shall issue or deny a permit within ten (10) days after receiving a recommendation from the Highway Superintendent.

- 17.1.6.1.1 The permit may set forth conditions which the Selectmen deem reasonable.
- 17.1.6.1.2 The denial shall give reasons; it may contain suggestions for a revised application.

17.1.7 Design requirements

17.1.7.1 The Highway Superintendent shall consider the requirements of the State DPW Manual on Uniform Traffic Control Devices, but shall modify these to accord with:

- 17.1.7.1.1 local conditions;
- 17.1.7.1.2 compatibility with local road design; and
- 17.1.7.1.3 size of the proposed project.

17.1.7.2 Driveways shall be located to the best advantage with regard to alignments with the way, profile, sight distance conditions and the like. A leveling area shall be provided at the edge of the way sufficient for safe access on to the way. Unless conditions require it, a driveway should not be located at the extreme edge of a property.

17.1.7.3 No more than two driveways shall normally be allowed for any property unless there is clear necessity for more. Leasing of a portion of the property does not affect this requirement. If a number of establishments will be constructed on one parcel, a service road may be required, to connect with allowable exit and entrance.

17.1.7.4 Driveways shall not normally be approved at intersections, particularly signalized intersections, because of the potential safety hazard which arises when a driver enters a road from a corner driveway and is not faced with a direct signal indication. Access directly into a rotary is also discouraged.

17.1.7.5 Culverts taking the place of roadside ditches shall have a diameter of not less than 15 inches. A larger diameter may be required.

17.1.7.6 The elevation of driveways at the point of entry into the public right of way should be no more than the elevation of the shoulder of the road.

17.1.7.7 Driveways should be so constructed that water from the driveway shall not drain onto the crown of the road.

17.1.7.8 In no instance shall the edge of the driveway entering onto the road conflict with the flow of surface water runoff.

17.1.7.9 Individual driveways should not be less than eight (8) feet nor more than sixteen (16) feet in width within the Town right of way. Any curb at the entrance shall be rounded off with a radius of three (3) feet.

17.1.7.10 Wherever possible, driveways should be pitched downward from the roadway. However, where topography prevents the driveway from being pitched downward in its entirety, the driveway must be constructed on a downgrade from the road surface to the sideline of the Town right of

way with a pitch of at least one-quarter inch per foot. From the sideline the driveway may be pitched toward the roadway; however, in no instance shall a driveway have a pitch toward the roadway of greater than one inch (1") per foot, unless adequate provisions have been made and approved by the Highway Superintendent for the diversion of driveway surface runoff away from the roadway. The Highway Superintendent may require methods of diversion for driveways having a pitch of less than one inch (1") per foot if the proposed driveway construction will result in an excess accumulation of surface water in the way.

17.1.7.11 Driveways should be located to the best advantage to alignment with the way, profile, sight distance conditions and the like. In no instance shall the driveway intersect the way at less than a sixty (60) degree angle.

17.1.7.12 Exceptions

17.1.7.12.1 No permit shall be required for:

17.1.7.12.2 driveways already in existence, except for significant alterations; and

17.1.7.12.3 Driveways reviewed by municipal boards under other existing regulations or bylaws.

17.1.7.13 Continuing responsibility of owners:

17.1.7.13.1 Abutting property owners shall be responsible for keeping culverts under their driveways cleared and for maintaining driveways in condition conforming to the requirements of the permit and to the intent and spirit of this regulation. Driveways already in existence on the effective date of this regulation shall be maintained by the abutting property owners in their best pre-existing condition.

17.1.8 Waiver

17.1.8.1 Strict compliance with the requirements of this regulation may be waived by the Board of Selectmen when in the judgment of the Board such action is in the public interest and not in opposition to the intent of the regulation.

17.1.9 Violations

17.1.9.1 The penalty for violation of this Bylaw shall be a fine of \$300.00 for the first violation.

17.1.9.2 Upon notification the owner shall have 60 days to correct said violation; if not corrected a \$100.00 per day fine will be imposed.

17.1.9.3 The enforcing agent shall be the Zoning Enforcement officer.

18 Marijuana Sales Tax

- 18.1 In accordance with Massachusetts Acts of 2017, Chapter 55, Section 13, and pursuant to G.L. Chapter 64N, Section 3, the Town of Egremont hereby adopts a 3% gross sales tax applicable to marijuana retailers. The marijuana retailer shall pay the local sales tax imposed under this bylaw to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth.

19 Local Room Occupancy Excise(adopted 10/13/20 pending AG approval)

- 19.1 In accordance with M.G.L. c. 64G, § 3A, the Town of Egremont hereby adopts a 6% Local Room Occupancy Excise on the transfer of occupancy of a room or rooms in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel. Further, in accordance with M.G.L. c. 64G, § 3A and M.G.L. c. 64G, § 3D, the Town of Egremont hereby adopts a 3% Community Impact Fee on the total amount of rent upon each transfer of occupancy of a professionally-managed unit [830 CMR 64G.1.1(10)(a)] or of a short-term rental unit that is located within a two-family or three-family dwelling that includes the operator's primary residence [830 CMR 64G.1.1(10)(b)]. The purveyor of any property subject to such excise taxes shall pay the taxes imposed under this bylaw to the Commissioner at the same time and in the same manner as the sales tax due to the commonwealth,



(Blue heron at Prospect Lake - photo Chet Delaney)

Annual Report of the Board of Assessors, Fiscal Year 2020

The Board of Assessors, along with our assessing staff provided under contract by Regional Resource Group, continue to assure the fair taxation of all Egremont properties.

The Board of Assessors continues to organize and update assessment records, including real and personal property, as well as protected land. Other efforts included inspecting property after building permits are processed and auditing property files for accuracy and completeness.

Our Board strives to build and maintain good public relations. We provide our residents with:

1. pertinent information by placing notices in the Egremont newsletter covering topics such as property tax abatement information, statutory exemptions for veterans, legally blind and our elderly property owners, and specialty properties including Forest, Agricultural, and Recreational land.
2. abutters lists required for property permits,
3. mailings to those eligible for special tax classification and exemptions,
4. assistance in completing forms for residents who are eligible for exemptions.
5. current property ownership information by processing registered deeds, name and address changes,
6. motor vehicle excise abatements,
7. information on a host of tax and property assessment issues.

As the town's principal revenue generator, the Assessors are constantly on the lookout for properties subject to taxation. We seek to enhance tax revenues by:

8. identifying second homeowners whose household furnishings are subject to taxation; along with businesses that have inventory or fixtures that may be taxable. We have added several parcels to the Personal Property tax records that had previously not been inventoried;
9. making sure that new construction is monitored and assessed, and that property given a certificate of occupancy is taxed at the fully assessed value;
10. reviewing prior years' deeds to verify current property values;
11. monitoring individual assessments to insure that abatements are kept to a minimum, and
12. assuring that all requests for abatements are reasonable and properly processed.

Other office activities included:

1. photographing structures and attaching those photos to computerized assessment records,
2. processing land divisions,
3. reviewing and processing abatement requests,
4. processing personal property forms and chapter land applications,
5. preparing various Department of Revenue reports.

Our GIS mapping system is available online through the Town's website.

Our office hours are Tuesdays and Thursdays from 9AM-12Noon. We and our Regional Assessor from RRG are also available by appointment. Residents can contact us by e-mail at assessors@egremont-ma.gov or by phone at 413-528 0182, Extension 14. Current property information can be accessed at our website: www.egremont-ma.gov/boa.html

**Town of Egremont
Information**

Total Parcels	1168
Total Acres	13,060.55
Acres in Agriculture	2997
Owners of Agriculture Land	71
# of Agriculture Parcels	72
Market Value Ag Land	\$30,214,611
Chapter Land Parcels	72
61 (Forest)	11
61A (Agriculture)	59
61B (Recreation)	2
Businesses	57
Single family residences	776
Multiple	20
Vacant	211
Commercial	15
Non-profit organizations*	14

Forms Processed

Abutters lists	7
Auto Excise abatements	91
Building Permits	123
Chapter Land forms	72
New Deeds Processed	83
Personal Property forms	297
Statutory Abatements	
Veterans	12
Surviving Spouse	3
Gold Star Parent	1
Blind	2
Seniors	1

***Non-Profit Organizations:**

Name	Parcels	Acres
Appalachian Trail Conservancy	4	25.98
USA Appalachian Trail	10	195.53
Berkshire Natural Resources	1	50
Berkshire Village	1	10.6
Blue Rider Stable	3	12.15
Churches	1	0.55
Egremont Land Trust	7	93.52
Mt Everett Reservation	1	16
Mt. Everett Cemetery Association	1	2.77
Nature Conservancy	10	165.656
Greenagers, Inc	2	99.186
Town of Egremont and Egremont Fire Department	6	539.96
United States of America	6	95.23
Commonwealth of Massachusetts	23	2857.63

Report of the Building Commissioner

During the fiscal year July 1, 2019 through June 30, 2020 a total of 122 permits were issued.

The permit fees collected and turned over to the Treasurer were \$83,507.00 based on \$13,243.898.00 of construction as follows:

5 New Homes

69 Additions & Alterations

3 Decks & Porches

4 Accessory Structures & Garages

6 Swimming pools

9 Solar Installations

10 Wood Stoves

16 Roofs & Repairs

Respectfully Submitted,
Ned Baldwin
Building Commissioner



*(Kenver building, South Egremont -
Photo by Adam Chait)*

Annual Report of the Bylaw Review Committee

At the request of the Selectboard, the Bylaw Review Committee has been working since Fall of 2018 on updating Egremont's General Bylaws.

The initial work of the Bylaw Review Committee resulted in a reformatting of the town's General Bylaws which was approved at Town Meeting on May 7, 2019. Final approval was granted by the Massachusetts Attorney General on August 19, 2019, limited to the reformatting and reorganization of the General Bylaws.

Following this approval, a reorganized committee undertook further work on the General Bylaws to update them, clarify language, seek out and correct inconsistencies in terminology and to propose additional bylaws beneficial to the town.

During FY 2020 the committee met regularly to review in detail the wording of the General Bylaws. This work was interrupted in March 2020 with the closing of town hall due to the coronavirus pandemic, and work did not resume until Zoom meetings began after the end of the fiscal year.

The work during FY 2020 focused on bylaws related to operation of town government such as elections, town meetings, and town boards. Those working on the committee at various times during FY 2020 included Richard Allen, Chet Delaney, Jenn Frederick, Steve Goodman, Danile Jordan, Ellen Maggio, Mary McGurn, David Seligman, Richard Slutzky and Eileen Vining.

Any recommendations from the committee for changes to the General Bylaws will have to be voted on at a town meeting for approval. The present approved General Bylaws can be viewed on the town's website.

The committee thanks all those who served on it in the past. All committee meetings are posted and open to public attendance.



(Catamount Ski Area - photo by Catamount Ski Area)

REPORT OF THE CEMETERY COMMISSION

We completed work on grave site leveling in the Southeast section of Riverside Cemetery.

We installed signs showing where Riverside Cemetery access road is located off of Route 71. Our signage also shows that the access road to Riverside Cemetery is one-way and no entrance from the Northwest end.

Don Peck of Peck Construction shaped up all the roadways on our Hillside Cemetery property.

He also brought a boulder to the intersection of Town House Hill Road and Phillips Road. Rich Atwood of AA Cemetery Services put the lettering on the boulder.

We were able to learn the early grave sites using the book Egremont's Cemeteries compiled by Mary Louise and Diane Fratalone.

We salute the thirty-nine years of service to our town's cemeteries from Henry D. Granger, and are saddened by his recent death, and appreciate the information and time Will Brinker, Egremont's Office Clerk give to the Commission.

Respectfully,
David D. Campbell, Chair
John H. Wells
Stephen W. Agar



(Town House Hill Cemetery stone thank you to Don Peck and Richard Atwood of A&A Cemetery Services. Photo by Richard Atwood.)

Conservation Commission FY 2020 Annual Report

Another busy year for the Conservation Commission.

First of all we wished Commission Alina Hsu well last fall after four years on the commission and shortly thereafter welcomed Patrick Riordan to the Commission. We also were voted funding for a part-time clerk to help with digitizing all our files and funding for a video setup to allow for better viewing of project plans. Unfortunately, COVID-19 interfered with implementation of both of these. We were however to move ahead with faster sign-offs on Building Permits through the online permitting site. And we held more than 20 public hearings dealing with simple septic systems to more complex projects such as.....

- Approval of a Wet Meadow Ecosystem Management Plan. This was a very satisfactory plan, both in terms of the landowners, the Conservation Commission and the State DEP. A brief history. The owners have held the property for about 40 years. It always has contained a stream and some wetlands. Wetlands evolve and under the wetland Notice of Intent (NOI) originally extended and subsequently renewed, as required, the extent of the wetlands changed and could no longer be renewed without significant changes, involving what had become a “wet meadow”. The inland freshwater wet meadow is a type of grassland saturated or inundated by water for a significant portion of the growing season. Unlike inland marshes, wet meadows do not contain standing water throughout the entire growing season. The object of the project was to properly manage a 1-acre-plus wet meadow to preserve important plant habitat. Mowing once a year will be allowed in defined areas once a year. Without mowing the area would revert to a “wild” state, which NHESP describes as natural successional growth and undesirable.
- There’s a house built around 1860 near Karner Brook but far enough away from it until a large tree fell into the brook upstream and diverted the flow, enough so to eat away at the steep bank separating the house from the brook. Working with the State and an experienced local contractor, the Commission agreed in the summer of 2019 to a significant bank restoration project—one that should protect the bank from any further erosion and thus cause no concern to the owners. This past fall the project was finally completed.

Among other projects we dealt with:

- Working with the Berkshire Natural Resources Council on a bridge/culvert restoration project in the Barrett Preserve off Pumpkin Hollow Road
- Working with the State on a beaver dam issue at Creamery Road and Route 23.
- Working with the State to correct and improve the turtle crossing at Smiley’s Pond.
- Working with a land owner and contractor to relocate a planned ground-mounted solar array from the middle of a marsh to a well-sited upland location.
- Working with Catamount on a significant rail widening and new snowmaking pond in a tricky wetlands area that involved areas in NY State and not under our jurisdiction.
- Working with TRI (The Resource, Inc.) on a number of small projects that required minimal wetlands protection.
- Worked with several landowners on “riverfront” projects along Green River and Karner Brook that involved significant Orders of Conditions



Photo by David Seligman

Typical straw wattle used to protect wetlands (right) from planned excavation (left). Depending on a project's complexity, silt fencing and straw bales may also be required. Hay is not permitted.

Respectfully,

Bill Tynan, Chair

David Seligman, Secretary

Alexis Wreden Fakelman

David Campbell

Patrick Riordan

Report of the Council on Aging

Bruce Bernstein, Chairman

Chet Delaney

Eve Goldberg

Georgette Kinney

Carolyn Palmucci

Peg Muskrat, Administrative Assistant/Outreach

It's been an interesting and challenging time for the COA as it has for everyone. Our main goal and focus has been communication and reaching out to our seniors to ensure they are well and coping with the current situation. Our seniors are particularly vulnerable to disease but also to the anxieties of being isolated from loved ones and friends. We make phone calls and offer suggestions on how to stay in touch, how to keep busy and what resources they can access to help them.

Sadly, we lost one of our long time COA board members this past spring. Helen Krancer served on the board for many years and is missed by us all. She was always sure everyone had their name tags and did a great job advertising our events.

At the initiative of a local restaurant and in cooperation with the Egremont Fire Department we delivered meals to many of our seniors in March, April and May. These delicious meals were so appreciated by our seniors and we are indebted to all who made this happen.

In cooperation with the Egremont Police Department and the assistance of volunteers we continue with the "Good Morning Senior" program. A great way to ensure seniors are safe and to have a friendly chat each morning. Call 528-0182 x 16 if you are interested in participating.

In response to the closure of the local senior transportation organization we applied for and received a Taxi Grant from the state. This grant provides free rides to nonemergency medical appointments, essential shopping trips, transportation for essential workers, prescription and food deliveries, and transportation needs of the homeless. The grant goes until December 31 but we are hopeful it will be extended until March. If you are in need of a ride please call 528-0182 x 16.

COA also has lists of volunteers who are willing to shop for seniors, provide house cleaning and nursing care and take your trash to the Compact Station. Again, call 528-0182 x 16 for more information.

We were able to hold luncheons in January, February and March at the Egremont Village Inn. Our goal is to offer entertainment and informative programs. Among others we offered programs on First Aid with Egremont Volunteer Firefighter David Katzenstein, a presentation on how to go about getting your real "ID" presented by a representative from AAA, a program on "Scams" by Librarian Leslieann Furcht and a performance by the Berkshire Ukulele Ensemble.

In June, in cooperation with Liz Keen from Indian Line Farm, we held a bag lunch and plant pick-up event. Fall found us using the outdoor space at French Park to provide lunches and entertainment.

A weekly Exercise Class, led by Thea Basis, took place at the North Egremont Fire Station. The class stressed flexibility and agility. In cooperation with Simon's Rock we were able to offer our seniors the ability to use their indoor track at a reduced rate. We hope to resume both of these activities once life returns to more normal.

We encourage all Egremonters to keep in touch with and to check on their neighbors especially seniors. A phone call can go a long way to brightening someone's day. This is also a great way to connect with those you may not have met. We're all in this together and together we can all help each other. Stay safe and well!

Your COA is here to assist you. Call us with your questions or concerns or to have a friendly chat. 528-0182 x 16.



(Erika Ludwig performing at COA Luncheon at French Park -

Photo by Peg Muskrat)



(Walking, running, bike riding? Wear one of our "Be Seen, Be Safe"

vests so you will be visible to vehicle drivers. - photo by Peg Muskrat)

FY 2020 Report

Egremont Emergency Management

The Egremont Emergency Management Team consisting of the Emergency Management Director, Fire Chief, Police Chief, Board of Health, Highway Superintendent and several other citizens, meets monthly throughout the year. Federally mandated National Incident Management System training is accomplished as courses are updated and new personnel are added. Monthly meetings of the Southern Berkshire Regional Emergency Planning Committee are attended by several members; we also meet with National Grid to keep informed about severe storm procedures and power outages from storms.

Emergency Management Planning Grants were used to update resources, including new portable generators and the mass alert system.

The Town's emergency telephone alert system has been used for several calls regarding road closures, water main repairs, meeting announcements and other timely issues with good feedback. It is reviewed and updated monthly.

The TEEM continues to work closely with the Alford, Egremont, Great Barrington TRIAD to provide planning and information for senior citizens as well as those in our town with special needs.

The COVID-19 virus has affected the entire country including our community. Since March, Egremont Emergency Management personnel have been working with Egremont officials, Southern Berkshire Emergency Planning Committee, Massachusetts Department of Public Health and Massachusetts Emergency Management Agency to advise Community members concerning the steps to take to prevent contracting the virus. In addition to keeping our Community informed, Egremont Emergency Management obtained and distributed to all Egremont First Responders personal protective equipment and face masks to all in the community who requested such.

The Egremont Emergency Management Team also meets with other Town Boards as necessary and thanks them for their cooperation.

Respectfully submitted,

Edward G. McCormick
Emergency Management Director



(Turtle Rock - photo by Mary Minehan)

FINANCE COMMITTEE REPORT
JULY 1, 2019 through JUNE 30, 2020
FISCAL YEAR 2019-2020

The primary responsibility of the Finance Committee is to make recommendations to the Town on all financial matters, including proposed expenditures presented at town meeting.

At the May 2019 annual town meeting, Egremont voters approved an operating budget of \$2,702,083 for the 7/1/2019-6/30/2020 fiscal year ("FY20"), a 1.6% increase over fiscal year 2018-2019 ("FY19"). Voters also approved the school operating and transportation budget (\$1,697,828), bond repayments (\$48,319) and the school capital budget (\$46,071), totaling \$1,792,218, an 11.7% increase over FY19. The town's total line item budget for FY20 was \$4,494,301, an overall increase of 5.4% over FY19.

In addition to the line item budget, voters also approved the expenditures listed below, totaling \$604,268. Those amounts are to be funded from Water Department revenues of \$232,568; \$243,700 from free cash; \$83,000 from taxes; \$5,000 from the police revolving account; and \$40,000 from the assessors' overlay surplus account.

- \$232,568 for the Water Department (comprised of \$221,655 from user fees and \$10,913 from Water Department retained earnings)
- \$45,000 for a corrosion control system at the water plant (this is a taxpayer subsidy of the Water Department)
- \$6,000 for repairs at town cemeteries
- \$10,000 to bring the Fire Department into compliance with new OSHA laws
- \$9,000 to purchase a new mower with rake
- \$9,700 to make repairs at French Park
- \$57,000 to purchase and install a larger generator at Town Hall and to upgrade Town Hall electrical service
- \$48,000 to blacktop a portion of the Town Hall driveway and parking lot
- \$40,000 to make repairs to town roads
- \$90,000 to make required ADA upgrades at the South Egremont schoolhouse
- \$12,000 to fund a part time administrative position for the Fire Department
- \$5,000 to Friends of Prospect Lake to help with weed control
- \$4,000 to update the town's MACRS historic listings
- \$1,000 to restore books and ledgers in the archives room
- \$5,000 for the Agricultural Commission to create a pollinator plan
- \$15,000 to the special GASB Fund to help pay future retiree benefits
- \$10,000 to the Stabilization Fund (the town's rainy day fund)
- \$5,000 to the Police Department road detail revolving account

Our reserves as of June 30, 2020 totaled \$502,342 (not including \$25,000 in the reserve fund). For FY20, the Town's budget totaled \$4,494,301, consisting of operating costs, school operating, capital costs and bond repayment, special articles, including the Town's capital expenses. Therefore, our reserve funds (free cash and stabilization fund) comprised 11.18% of our adopted budget. That compares to an average of 10.29% in towns and cities in western Massachusetts. In previous years, we have been over 13%.

Our taxes are not based exclusively on that \$4,494,301 budgeted amount. In setting our tax rate, the Massachusetts Department of Revenue takes into account state aid and other revenue expected to be received by the Town, which reduces the budgeted amount.

At a Special Town Meeting in September, 2019 taxpayers authorized borrowing an additional \$200,000 to pay a portion of the second phase costs of the Town's share of the engineering expenses associated with the reconstruction of Mt. Washington Road. (That borrowing had previously been defeated at the annual meeting.) Some minor expenses were also approved to be paid out of free cash, leaving a balance in free cash of \$320,943. Voters also approved a transfer of \$1,000 from the Cemetery perpetual care interest fund and \$7,000 from the Hillside cemetery perpetual care fund for repairs at town cemeteries.

TAXES

The tax rate for FY20 was \$9.49 per \$1,000 of assessed valuation, a decrease of 1.8% over the FY19 tax rate. We had a few homes built and some home renovations which increased our tax base.

Our real estate tax rate for the year is determined by the Department of Revenue in the fall by (1) adding our total budgeted expenditures approved at town meetings, including the line items and the financial impact of those special articles that are not paid out of free cash or the stabilization fund, any charges for the Water Department not subsidized in advance, snow and ice expenditures exceeding the budgeted amount, and certain other items and (2) subtracting anticipated receipts from fees and charges and monies paid to the Town by the state, and spreading the resulting balance over the assessed valuation of all real estate and personal property in Town. Total town assessed valuation changes from year to year as new homes are built and renovations completed.

FY2020 BUDGET

Our budget for FY20 was \$4,494,301. After estimated fees, charges and other receipts, the Town needed to raise \$4,086,625 via taxes. Total assessed valuation of Town property was \$430,624,339. To raise \$4,086,625 the tax rate was set at \$9.49 per thousand dollars of assessed value. Accordingly, property assessed at \$500,000 would receive a tax bill of \$4,745.

SALARIES

Salaries (including collective bargaining for both police and highway), wages, health benefits, pension, and fringe benefits totaled \$1,458,432. These costs compromise approximately 53.9% of our total operating budget (\$2,702,083) before reductions from state aid, etc.

POLICE DEPARTMENT

The Police Department operating budget (including collective bargaining and the debt payment on the police facility) totaled \$441,532. Computer expenses, maintenance expenses, insurance for the chief and employees (included insurance premiums) totaled approximately \$125,000. When other incidentals are added, the fully-loaded budget for the Police Department amounts to over \$575,000 a year to operate. The Police Facility loan has a principal balance of \$60,000 and will be paid off in two years. We will need to purchase a new vehicle within the next two years.

HIGHWAY DEPARTMENT

The Highway Department budget, including collective bargaining, totaled \$575,177. Snow and Ice was over budget (originally \$70,000) by \$23,583, an excess of nearly 37%, though that amount included maintenance of vehicles. The Town decided that in the future the snow and ice budget would only encompass material (salt and sand, etc) purchased. Maintenance of all vehicles will now be included in a line item that will allow more accurate tracking of the costs of vehicle maintenance.

WATER DEPARTMENT

The Water Department's budget for FY20 totaled \$232,568. The Department expected receivables from users of \$221,655, using \$10,913 in retained earnings to meet budgeted needs. The Department did not have that amount in retained earnings. The Department had already appropriated \$6,076 at a prior town meeting, leaving only \$4,837 available. That deficit of \$6,076 constitutes an additional taxpayer subsidy to the Water Department. Also, a special article was approved at town meeting for \$45,000 for a corrosion control system, which is also an additional taxpayer subsidy to the Water Department.

Jim Olmsted, our long-term Water Department operator, was finally able to retire. Nate Stalker, who has been working under Jim's aegis for almost two years, received his operator's license in September 2020. Due to DEP requirements for an operator's license, Jim had to delay his retirement and function as "operator in charge" overseeing Nate for much longer than anticipated, resulting in an overrun in the salary account. The principal amount of the Water Department's loan is \$185,000 and will be paid off in two years.

FREE CASH/STABILIZATION ACCOUNTS

In municipal accounting jargon, "free cash" is the total of funds not expended and revenues in excess of estimated receipts as of the end of a fiscal year. "Raise and

appropriate” means money to be raised from real estate and personal property taxes. A “stabilization fund” accumulates amounts for capital and other future spending purposes that may be appropriated (for any lawful purpose) by a two-thirds vote at town meeting. Free cash and stabilization funds are types of “available funds” and are frequently appropriated to meet unforeseen expenses or capital expenditures, or for other one-time costs. “Reserve fund” is a fund to cover smaller unforeseen or unexpected expenses. Historically, the town has approved \$25,000 for its reserve fund. If something so catastrophic as to exceed available reserve funds should arise, the Finance Committee believes a special town meeting would have to be called to deal with it.

Balances in reserve accounts after the annual town meeting were (a) free cash \$106,071, (b) stabilization fund \$396,271 and (c) reserve fund \$25,000. Free cash was recertified in the fall of 2019 by the State Department of Revenue. The DOR calculates where we spent less than budgeted and received more than expected, and combines those figures to determine free cash for use in the 2021 fiscal year. That amounted to \$321,085.

On the liability side, the principal amount of the Town’s outstanding debt totaled \$995,500 at June 30, 2020, comprised of \$735,500 for the Mt. Washington Road project, \$60,000 for the police facility and \$200,000 for the rescue vehicle.

In 2016, the town meeting authorized borrowing \$2,940,000 to apply toward the costs of building a broadband network to provide internet service to Egremonters. A portion of that amount was and still is expected to be funded by a grant from the Mass Broadband Institute. The Selectmen and the Broadband Committee have submitted their own reports for completing wiring of the Town.

Respectfully submitted,

The Finance Committee for July 1, 2019 thru June 30, 2020 (FY20)

Laura Allen, Chairman
Thomas Berkel, Secretary
Amy Pulver
Bryan Frank (part year)

Michael Bandzierz, Vice Chairman
Frank Penglase
Steve Rawlings (part year)

REPORT OF THE FIRE DEPARTMENT

Roster

Chief Joseph Schneider

Deputy Chief James Olmsted

Captain Jim Golden

Captain David Guidi

Lt. Paul Sierau

Lt. Roger Meyer

Gregory Peck

Lane Farnum

Ed Rossi

Marco Bentez

Willa Brown

David Katzenstein

John H. Wells

Tom Sierau

Robert Brown

Kevin Wheeler

Herman Trudeau Sr.

Dave Martin

Rick Harrington

The members of the Egremont Fire Department meet at least every Tuesday night for training, maintenance of equipment, and organizational meetings. We additionally train as a group with neighboring departments. A core group trains in rope rescue skills several times a month as well. We continually refresh our First Responder Medical training including the use of Naloxone, Epi Pens, and CPR/AED. In 2020 COVID-19 arrived upon us and changed our life's as first responders. We currently are keeping up to date on the ever changing COVID-19 protocols for first responders to keep ourselves, our families, and the community safe.

In February of 2019 Massachusetts became an OSHA state for Fire Departments. We have and continue to work on being compliant and up to standards for both OSHA and NFPA. This year we added a new computer based training system called Fire Rescue One Academy to aid in our training to keep up with proper training requirements for OSHA and NFPA.

We had another very busy year. Answering just under 200 responses to calls in the fiscal year. Just as a little FYI, a lot of these calls last for multiple hours. We have even had some that last for multiple days.

Our new Rescue 8 vehicle was placed in service just after Thanksgiving. The new Rescue truck has been serving us and the community well. It has been a huge upgrade. We were able to add much more equipment and supplies needed to better serve our communities needs on the EMS and Rescue side of our department. Our old rescue truck has started its conversion into a brush truck. The truck was too good to just get rid of it, and the department is working on restructuring their apparatus to better fit the needs of the communities they service. This was the first step, getting the new bigger rescue truck and then converting the old one into a brush truck.

We still occasionally encounter homes without clearly displayed 911 signs. THIS IS A BYLAW IN THE TOWN OF EGREMONT. PLEASE, PLEASE check to make sure your 911 sign is up and visible. When, or if we, ever get called to your home for an emergency, and seconds count, we want to be able to find you. We also encourage all homeowners, particularly those with reporting alarms, to purchase a KNOX BOX. KNOX BOXES eliminate the need for us to use forcible entry to gain access into your

home during an emergency situation when no one is available to let us in. Information regarding 911 signs and KNOX BOXES is available at Town Hall.

We are always looking for new recruits. We are looking for motivated, disciplined women and men. Firefighting is a challenging opportunity to serve your community. If you think that you have what it takes to be a firefighter, please join us any Tuesday evening at 7pm, at either Fire Station. We serve with pride.

We thank you for all of your continued support and we hope that we all have a safe year.

Fire calls

July 2019 to December had 101 calls

January 2020 to June 2020 had 83 calls

Medical	80
MVA	4
Search	2
Rescue	4
Structure Fire	17
Chimney Fire	1
Vehicle Fire	2
Appliance Fire	2
CO Alarm	3
Smoke/False alarm	57
Outside fire	5
Service Call/Other	1
Tree on wire	6

Total calls 184



Egremont Green Committee, Annual Report, 2020

Richard Allen, Corinna Barnard, Juliette Hass, Robin Goldberg, Marj Wexler, Emily Eyre and Pat Konecky (co-chairs)

Inspired by honorary Greenie Hinda Bodinger, we conducted the October Plastic Reduction Challenge. Almost 100 residents signed up to receive daily, emailed tips about how to use less plastic. Participants also shared and received many useful tips for reducing plastic use. There was a raffle prize every day, with a Grand Prize and a party at the Egremont Village Inn Barn at the end of the month. Flyers with plastic reduction tips were also placed at the North and South Egremont post offices to further outreach to the community.

Marj added plastic reduction tips and resources to the community's NeighborNet site. The committee is focused on reuse and sharing of resources, and to this end has added to the site an introduction to the Virtual Library of Tools and Small Equipment. We hope to expand this project after covid.

The committee discussed additional ways to encourage reuse, such as creating a directory for reuse options that connects residents with local resources. We contributed South County resources to a statewide directory being compiled by Mass DEP.

With so much going on related to the environment and climate crisis, committee members regularly participate in related organizations and workshops, reporting back updates at committee meetings. This past year, several members were inspired by attending reduce and reuse events.

Committee members have continued to publish articles in the Berkshire Edge, sharing information about our support of sustainability efforts in Egremont.

Our Egremont Recycles Day had to be canceled due to covid 19. This was the first time in 12 years that the event was missed. However, we did invite Egremonters to select a street where they could pick up litter while on daily walks. Fifteen households have volunteered.

The town's Swap Shop was closed in late spring and most of the summer because of covid. Judging from the activity there since it reopened, it is a valued service.

The Green Committee has compostable tableware (plates, cups, utensils) available for residents to purchase. We buy in bulk and sell at our cost. Call or email any of us for more information.

And finally, we enjoy providing the Eco-Tips for Egremont's Town Newsletter.

Respectfully submitted,
Pat Konecky for the Egremont Green Committee



(Local visitor - photo by Cathy Fracasse)



(Proud to be from Egremont - photo by Vicki Windman)

Board of Health

Charles Ogden, Chairman
Dr. William Rose
Ellen Maggio

In the beginning of 2020 reports of a highly contagious, often fatal respiratory virus in China started filtering through the US news media. The spread of the virus then grew to a world-wide pandemic, and life changed drastically in the ensuing months with the onset of the novel corona virus known as COVID-19. Practices of “social distancing” and “sheltering in place” became the norm and businesses deemed non-essential were closed in an effort to stop the spread and keep people from infection.

Egremont’s rural nature keep our infection rates relatively low and community spread to a minimum. That being said, Egremont reported seven confirmed cases of COVID-19 and regretfully, two deaths relating from the virus. Our population swelled in March and April, as many of the town’s second home owners understandably took safe refuge here to avoid COVID hotspots in more densely populated areas.

The Board of Health, together with tremendous assistance from the Berkshire Public Health Alliance, addressed the many challenges that our community faced relating to COVID-19. Our Alliance Public Health nurse took the lead in contact tracing for confirmed Egremont cases. It was challenging at times to keep current with the constantly changing guidance from the state and to advise local businesses of allowable practices and procedures of their gradual reopening. The Board of Health took a lead role in disseminating information to the public and businesses and enforced COVID-19 rules where applicable.

Title 5 related field work (inspections, perc tests, septic installations and upgrades) ballooned in the spring, summer and fall of 2020, largely due to the increased activity in home sales. As a result, the BOH took in \$18,240 in permit fees in FY20, an increase of \$2,490 from the previous fiscal year. The BOH monitored the significant increases in the town’s solid waste and recycling tonnage due to the increase in the population.

When a vaccine for COVID-19 is developed, the BOH will play a role in coordinating the massive local distribution effort. The BOH continues its public health work to protect and promote a safer environment for our community.

Respectfully submitted,
Juliette Haas
Director



(Prospect Lake - Photo by Mark Roggen)

Report of the Highway Superintendent

The Highway Department performed the annual grading and graveling of unpaved roads. Roadside drainage ditches were cleared and catch basins cleaned out. Storm clean-up of trees and branches was completed throughout the year. Roadside mowing and brush cutting along with weed control was also performed. Guardrail was repaired along Route 71. Damaged or missing street signs were repaired or replaced. Line painting of roads was completed. Potholes were patched and blacktopped. Maintenance and repair of equipment was performed.

During the Winter months the roads were plowed, sanded and salted during and after each storm.

Taconic Lane and Boice Road were paved. Sections of Town House Hill Road and Mount Washington Road were also paved. Total cost of these projects was \$279,000.

The Highway Department would like to thank all those who assisted the Department this year, including the Board of Selectmen, the Fire Department, the Police Department, Town Hall office personnel, the Maintenance Department and numerous contractors. Thank you all for your hard work.

Respectfully submitted,

James Noe
Egremont Highway Superintendent



(French Park trail - photo by Mary Brazie)

July 2019 – June 2020

Egremont Historical Commission Annual Report

This year, the Egremont Historical Commission (EHC) has overseen the continued work on a number of ongoing projects and begun new work within our organization. Serving this year, our members include Rebecca Turner, Chair; Bill Wood, Elliott Snyder, Abigail Rogers-McKee, Barbara Kalish, Stephen Piersanti, and Ellen Maggio.

The summer of 2019 ended on a high note with our town's 244th birthday party, held annually to celebrate our incorporation on August 23rd, 1775. It was held at April Hill in order to formally welcome the Greenagers to our community. Earlier in 2019, Greenagers, under the direction of Will Conklin, acquired this magnificent 18th century farm; it was preserved through the generosity and foresight of Mary Margaret Kellogg during her ownership in the 80s and 90s. It was purchased from the Appalachian Trail Conservancy and is subject to a Historic Preservation Restriction held by Historic New England, thus protecting these 18th century structures. Greenagers, given its mission for the education of youth in the agricultural arts and the history of land use, brings a joyous spirit of vitality into our community. The EHC created a tri-fold pamphlet for the celebration that included a brief history and detailed timeline of the property from its establishment in 1744 to today.

The fall of 2019 and early winter of 2020 were dominated by continued review of the plans for the upgrade of Route 23 (Main Street) in the South Village. The commission submitted formal written comments to the Mass. DOT citing our questions and concerns about details in the drawing set. The south village is a National Register Historic District and an active working village. We see this project as an opportunity to introduce traffic calming measures, increase walkability and access to both ends of the village, and maintain our historic character through the use of materials and design. As the project development continues, the commission will continue to take an active role in overseeing subsequent submissions to the town so as to protect and promote the pride of place of Egremont.

Commission member Barbara Kalish has continued working on our oral history project, conducting new interviews with town locals including Nancy Kuntz, a talented local architect who has lived and worked in Egremont for many years. She has also begun the work of converting a number of older recordings done by previous commission members to digital format.

Many changes have been happening in the archive at the Academy Building. A need to reorganize some items in our collection prompted a re-evaluation of many of our items including over 1,000 law books dating back to 1820. This is an ongoing process.

Spring of 2020 brought an abrupt halt to many of our projects as COVID-19 impacted our lives and community. We were no longer able to hold meetings at the Academy Building due to quarantine and safety measures put into place and were therefore held virtually via zoom. It has been a huge adjustment, but prompted many new conversations about who we are as a commission and how to better fulfill our role with the town. Mass General Law, Chapter 40, defines a historical commission as tasked with "the preservation, protection and development of

the historical or archeological assets of such city or town” and to act as a resource and to advise elected officials and other boards on historic preservation issues. These could include zoning changes, the re-use of municipally owned historic buildings, as well as master planning. Our hope is for the commission to be utilized as the resource we are and that we continue to be involved in discussions for future planning for the town. We look forward to more growth in our commission and our town.



*(South Egremont School Students - Halloween 2019 -
Photo by Susan Bachelder)*



(Town Birthday celebration August, 2019 -

Photo by Mary McGurn)

Report of the Egremont Free Library

One of the goals of Egremont Free Library in 2020 was to sponsor day trips to cultural or museum locations within driving distance. In October, 2019, the library sponsored its second trip to the FDR Museum in Hyde Park, NY. We also visited Vanderbilt mansion located nearby. It was a wonderful day learning about FDR and Eleanor Roosevelt's significance in American history, and the Vanderbilt's impact as well. Our first trip was to the New England Historic Genealogical Society in Boston, MA in late 2018. Based on the success of the first two library trips, EFL's trustees and Lesliann planned similar trips beginning in Spring of 2020, but COVID-19 postponed those trips. Once COVID passes and it's safe to visit museums and cultural venues, EFL looks forward to sponsoring day-long excursions.

Speaking of the global pandemic, Egremont Free Library continued operating remotely during a trying time. Borrowing ebooks, audio books and viewing shows and movies via the EFL library card was an appreciated service. The library's rate of borrowing went up significantly during the Spring and Summer months, and continued through the Fall. Several people new to the area happily registered for library cards.

Thanks to FiberConnect, the library enjoys lightening speed wi-fi internet service. Many people use the Library's connection, which is accessible 24/7. This proved useful to many who either do not have service at their home or need a faster connection.

Membership to the Central Western Massachusetts Automated Sharing network (CW MARS) continues to be an invaluable way for patrons to borrow items from EFL and libraries throughout the state.

Once COVID passes, we will also continue to offer passes to local museums, including The Clark, Mass MoCA, The Norman Rockwell Museum, Hancock Shaker Village, Berkshire Museum, and Chesterwood.

All are welcome to visit Egremont Free Library during library hours Monday, Tuesday and Thursday from 2 to 6 p.m. and Saturday from 9 a.m. to 12 p.m.

Respectfully Submitted,

Lesliann Furcht
Librarian



(Garden club plantings on bridge by Library - photo by Hinda Bodinger)

ANNUAL REPORT OF THE PLANNING BOARD

Personnel:

Greg Cherin, Chair; Jared Kelly, Vice Chair; Helen Krancer, Clerk; Eddie Regendahl, Berkshire Regional Planning Commission representative; Nick Keene, Treasurer. After the May 2020 election the Board was composed as follows: Jared Kelly, Chair; Eddie Regendahl, Vice Chair; Nick Keane, BRPC representative; newly appointed member Donna B. Gordon, Clerk; and newly elected member Matthew Bersani, Treasurer.

Division of Land: The Board reviewed and approved three Form A applications for land division

Special Permits: None

Common Driveway Applications: None

Accessory Dwelling Units: The Planning Board wrote a proposed Bylaw to present at the town meeting in October. The Board held a public Zoom meeting on September 17, 2020 to discuss the proposed bylaw with the citizens of Egremont.

Recreational Marijuana Bylaw: The Planning Board continues to work on writing a bylaw on this subject.

Town Meeting October 15, 2020: The Planning Board's motion to adopt the Accessory Dwelling Unit bylaw was approved.

Additional Board activities:

- The Board attended Berkshire Regional Planning Commission seminars and meetings
- The Board sought advice as necessary from Town Council
- The Board answered citizen's questions.

Helen Krancer

The Planning Board laments the passing of our longest serving member. Helen was our source of knowledge and always kept us informed of the "way things work" We will greatly miss her.

*(Flowers from Indian Line Farm - being sold
At the Spirit Shoppe - photo by Spirit Shoppe)*



Bob Krupski Plumbing, Inc.

-Licensed Master Plumber -- License# 10391

Oil Burner Technician--License # 022053

Plumbing Inspector Towns of:
Alford - Egremont
Great Barrington
Monterey - Mt. Washington
New Marlborough
Sheffield

P.O. Box 111, Sheffield, MA 01257
(413) 229-8019
(Fax) 229-2210

October 21, 2020

TO: Town of Egremont
RE: Plumbing / Gas Inspections -- July 1, 2019 -- June 30, 2020

During the year July 1, 2019 through June 30, 2020:

PLUMBING:

Issued 34 plumbing permits

Conducted 61 on-site inspections.

Collected \$ 3,660.00 in fees.

GAS:

Issued 6 gas permits

Conducted 6 on site gas inspections

Collected \$ 360.00 in fees

Sincerely,

Bob Krupski,
Plumbing Inspector

EGREMONT POLICE DEPARTMENT 2020 ANNUAL REPORT

To the Honorable Select Board and Citizens of Egremont

On behalf of the police officers and staff of the Egremont Police Department I am pleased to submit to you the following annual report for the fiscal year of 2020. The purpose of this report is to provide an overview of the department as it relates to our mission and goals.

The department provides law enforcement services 24/7, 365 days a year. Our current staffing consists of the following personnel:

Full Time Officers	Part Time Officers	Administrative Secretary
Hans Carlson	Joseph Pravia	Margaret Avenia
Maximilian Kolb	Michael Renton	
Matthew O'Sullivan	Malcolm McCain	
Joseph Kozlowski	Jeffrey Spratt	

Our primary objective is crime prevention and the protection of life and property. Our services are rendered with a high level of customer service and professionalism. We strive to be the model of excellence in policing by creating partnerships, building trust and improving the quality of life in our community. Moving forward we will be implementing a more streamlined method for the community to provide us with feedback, comments and the ability rate their overall satisfaction with our services. This information will allow us to evaluate how we are performing and implement any necessary changes.

Officer Carlson safely crossing the students at South Egremont School



Turkey donations for families in need on Thanksgiving.



I hope that you were able to enjoy the Halloween party and wave parade. During these events we collaborated with the town hall and fire department. Many town officials also had family members who participated. These events were a wonderful display of what makes our community so great.



NEW HIRE



Officer Joseph Kozlowski was appointed as a full-time officer on Nov 9, 2020. Officer Kozlowski was a full-time police officer for 3 years with the city of Chicopee. He routinely mentions how much he loves being in the Berkshires and is grateful to be a part of the Egremont Police Department.

ADDITIONAL SERVICES

We offer a secure drop box for unused/expired medication. The drop box is located in the lobby of the PD and is accessible 24/7. We provide house checks and construction site security checks. If you are going to be away from your residence or have a construction site that you would like us to routinely check this is the ideal service. For further details or questions please contact the PD at 528-2160.

You may have noticed that many pedestrians and cyclists are wearing yellow vests stating "be seen be safe". Working collectively with the council on aging we promote the use of these vests and offer them at no cost to the public. If you wish to acquire a vest, please stop by the police department. Keeping Egremont a friendly and safe place to cycle and walk are of the utmost importance.



CRIME STATISTICS

Category	Total
Assault	7
Breaking and Entering/Burglary	10
Operating Under the Influence of alcohol/drugs	15
Firearms Violations	4
Rape	1
Drug Possession	3
Leaving the Scene of an Accident	3
Larceny	16
All Other Traffic/Criminal Offenses	285
Traffic Citations Issued Total 781	

CONCLUSION

We have all felt the effects of the COVID pandemic in some capacity. During these unprecedented times, the Town of Egremont has implemented many precautionary measures that coincide with state guidelines. I would like to personally thank everyone for staying diligent and adhering to these guidelines. Individually we all play an important role in stopping/slowing the spread.

Lastly, I hope that everyone is staying safe and doing well during these trying times. If there is ever anything that you need please feel free to reach out to us.

Respectfully,

Jason La Forest

Chief of Police

Egremont Police Department

REPORT OF THE SELECTBOARD

Fiscal Year 2020 was rolling along very smoothly until March when COVID-19 shut down the country. The pandemic caused an upheaval in town government, business operations, and life in general. Town government continued in Egremont with very little disturbance. Town board meetings are taking place via zoom. Town Meetings have been held outdoors for the first time in Egremont's history.

The Town's largest hurdle during the pandemic has been French Park. Enforcement of CDC guidelines forced the closure of the park. The Board then worked hard to make venues at the park available to users while keeping everyone safe.

The pandemic saw a sharp increase in Egremont's population as second homeowners flocked here to get out of the cities where Corona virus was rampant. The Town has also seen a record number of sales as others who left the city due to the pandemic bought homes to make Egremont their permanent residence.

Schools closed abruptly and then established remote learning platforms. This meant that homes needed to have reliable internet access. Egremont was fortunate in that FiberConnect had already built out a large portion of Egremont. For those areas not built out negotiations are still ongoing with Fiber Connect and the MassBroadband Institute to complete this project.

April Hill, the home of the Greenagers, on Undermountain Road, opened a Community Learning in the Berkshire's center to help essential workers meet their children's educational needs during the pandemic.

The Town voted to approve a fourth full-time Police Officer at the Annual Town Meeting. Joseph Kajlowski will start in this position in the very near future.

Retail marijuana has become a fast growing industry in the area. The Board reviewed 4 Host Community Agreement's, issued three and denied one. One company has completed the licensing process and will be opening a by appointment retail shop on Main Street in the near future.

The Board worked closely with the Town of Mount Washington to establish a house numbering system up there that would facilitate the Egremont Fire Department's response to emergencies on the mountain. The two boards also agreed to the Town of Mount Washington increasing it's contribution to Egremont for these services to more accurately reflect the cost of equipment and operating the Egremont Fire Department.

The ADA upgrades and the lead paint remediation were completed at the South Egremont School House in time for the school to open in August of 2019. A mixed pre-K and Kindergarten class was held there throughout the year.

Selectboard Chairman George McGurn, Finance Committee member Thomas Berkel, and School Committee member Marcella Bush continue their work as Egremont's representatives on the Regional School Planning Committee to consider the consolidation of the Southern Berkshire and Berkshire Hills School Districts. Chairman McGurn is chairing the Operations Subcommittee.

The engineering on Mount Washington Road continues to move forward. Design waivers to the required width of roads had to be obtained before the 25% design phase could continue.

The 75% design plans for the Route 23/41 reconstruction project are nearing completion. These should be presented early winter of 2020.

Construct has notified the Town that the two homes planned to be moved to Egremont and renovated into 4 affordable housing units will not be available. The Town's Housing Committee is working diligently on a plan to utilize the site, which now has access and a septic system installed.

We are honored to share with you that Egremont resident Henry F.F. Grant, of Buttonball Lane, was awarded the Carnegie Medal for an extraordinary act of heroism. Henry was 18 years old on August 10, 2019 when he helped rescue a woman who had fallen 30 feet off of Squaw Peak in Great Barrington. Henry climbed down the rock wall without equipment to comfort the injured woman until help was able to arrive. We congratulate Henry on receiving this prestigious award.

The Board extends a special thanks all of the Town's officials, board/committee members and employees for their team efforts to make Egremont the well run civic undertaking that is a source of great local pride. Egremont continued to be a well run wheel during the pandemic thanks to everyone's efforts.

Board of Selectmen
George McGurn, Chair
Lucinda Fenn-Vermeulen, Vice-Chair
Mary Brazie



(Proctor's Farm, Baldwin Hill - photo by Jon Caplan)

Sustainability Coordinator

The Sustainability Coordinator continues the work of exploring programs that are available to assist the town and its residents in reducing their energy consumption, lowering their carbon footprint, reducing their solid waste and increasing their recycling.

The Town of Egremont is a state designated Green Community and has received over \$145,000 in Green Communities grant funding, with funds going towards energy retrofits for town buildings. The Town of Egremont has three photovoltaic solar arrays (at the Highway Garage, Water Department and Police Department) which generate clean, renewable energy while saving the town money on energy costs. The town also purchases electricity from a solar farm in eastern Massachusetts which translates into a 15% electricity savings through net metering credits.

The Town of Egremont offers our residents community electricity aggregation. Through this program residents have been able to purchase electricity generally at a lower rate than National Grid's basic service rate and the electricity product has come from either hydro or solar sources. At the town's last contract period, the electricity purchased was at an extremely competitive rate and came from a Class 1 Massachusetts solar product.

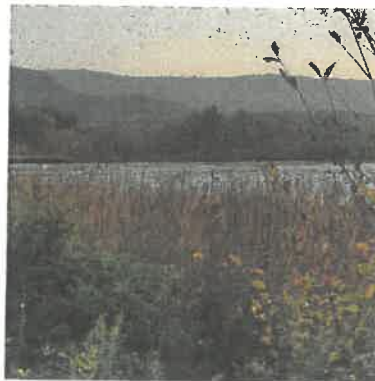
On the solid waste front, many members of the community have embraced the community compost station at the Transfer Station. This has saved the town money in solid waste disposal costs, and has an added bonus of offering free compost to our residents to use in their gardens. The Town received grant funding in the amount of \$3850 from a MassDEP program for our many innovative solid waste reduction programs in place.

For the first time in 30 years, the Springfield MRF (the place where our bottles and cans and papers go for processing) no longer accepts our material at no cost which resulted in additional funding in Transfer Station operational costs. Egremonters are still encouraged to recycle and to avoid "wishful recycling" which could lead to contamination in our recycling loads.

The Sustainability Coordinator will continue to explore programs that are available to further demonstrate Egremont's commitment to protecting our planet from effects of climate change and to keep our environment healthy for all.

Respectfully submitted,

Juliette S. Haas



(Smiley's Pond - Photo by Cathy Fracasse)

**Egremont Technology Committee
Annual Report
for FY 2020
(July 1, 2019 through June 30, 2020)**

Technology Committee

The Egremont Technology Committee (TC) was formed in August 2015 by vote of the Egremont Board of Selectmen (BOS) for the purpose of determining options, evaluating proposals, and recommending solutions to meet the high-speed broadband networking needs of the Town. Originally comprising seven members, the TC as a whole disbanded in April 2019 when the BOS accepted a proposal from Fiber Connect (FC) to extend its existing network to unserved areas of the Town. Instead, the BOS appointed the TC co-chairs, Egremont residents Jeff Lazarus and Rolfe Tessem, and Select Board member Lucinda Vermuelen to be the negotiating team for an agreement with FC.

Background and history

For several years before formation of the TC, the Town had engaged in significant broadband planning work, primarily through its participation in WiredWest, a consortium of western Massachusetts towns investigating a regional approach, which ultimately failed to materialize. In summer 2015 the Town received two unsolicited proposals from private companies to build and operate private broadband networks in the Town. These proposals were the catalyst for formation of the Technology Committee. The TC reviewed these proposals and met with the vendors during fall 2015. In the end, the TC recommended that the Town dismiss these proposals and instead pursue an independent approach, similar to several other towns such as Alford, Otis, Mt. Washington, and others. Accordingly, the Town issued a Request for Proposals for network design, engineering, consulting, and project management in May 2016. This was to be followed by an RFP for construction, and then a final RFP for network operation and maintenance.

There were four RFP bidders, but in July 2016 on recommendation of the TC, the BOS voted instead to engage with the Massachusetts Broadband Institute (MBI, an agency of the Commonwealth) for management of the broadband project. Under their "Municipal Project Assistance Program," MBI was to vet and supervise contractors for pole survey, design/engineering, and construction of a Town-owned municipal broadband network. Through a subcontractor, MBI conducted the pole survey work during fall 2016. But then in January 2017, MBI abruptly abandoned their Municipal Project Assistance Program, a setback for the Town. Instead, MBI offered a new "Private Provider" program through which they contracted with Charter Communications to provide a conventional cable TV system with internet and telephone options. On April 10, 2017, the Select Board voted to accept this program. In June 2017, MBI finalized a contract with Charter, which included a state grant of \$1,185,000 to Charter as an inducement for the Egremont buildout.

After more than a year of missed deadlines and lack of follow-through, in October 2018 Charter reneged on its offer to build a network in Egremont by demanding an additional \$1.2 million

over and above the original grant amount, which, in a cost-sharing arrangement mandated by MBI, would have required the Town to contribute an unplanned \$607,500. Meanwhile, by that time FC was well along in its private, independent buildout of a high-speed fiber optic network covering about 70% of Egremont.

When the Charter plan fell through, the BOS instructed the Technology Committee to prepare a Request for Proposals (RFP), consistent with Massachusetts public procurement law, to identify a vendor to complete the network build out to all parts of Egremont not already covered by the existing FC infrastructure. The TC developed an RFP that allowed for proposals that would provide network service to the entire Town (duplicating service where FC had already built out) or, at the bidder's option, just the unserved areas. The Town issued the RFP on December 12, 2018, with proposals due by January 31, 2019.

Only FC submitted a proposal. Over the ensuing weeks, the TC worked with FC to resolve numerous open questions. With a few remaining reservations, the TC was generally satisfied with FC's construction and service proposal, and on March 18, 2019 the TC submitted a written recommendation to the BOS. At their meeting on April 3, 2019, the BOS accepted the Committee's recommendation. The BOS authorized TC co-chairs Jeff Lazarus and Rolfe Tessem to begin negotiations with FC and to follow up with them on the open issues. The process began by consulting with Town Counsel and with MBI to clarify legal requirements and requirements for the state grant. In early May 2019, the Town entered into direct negotiations with Fiber Connect.

FY 2020 year in review (July 2019 through June 2020)

High-speed fiber optic Internet coverage. As of June 30, 2020, Fiber Connect "passed" nearly 90% of residential dwellings in Egremont (FC coverage area), and about 60% of households in the coverage area had actually subscribed to the service.

Most of our work during FY 2020 focused on arranging access for the remaining unserved areas of Egremont. The two main requirements for FC to move forward with extending their network to the unserved areas were a) an agreement between the Town and FC covering construction and operation of the network extension, and b) an agreement between FC and MBI covering the terms of the state grant award to FC.

Action plan. As the prior FY 2019 drew to a close, the Town was engaged in negotiations with FC and MBI on a customized version of the MBI "Action Plan," which is a three-way agreement that lays out the process for MBI to qualify FC for the state grant award of \$1,070,000 toward the cost of the fiber optic infrastructure buildout in the unserved areas of Egremont. All three parties signed off on the agreement effective July 17, 2019.

Town-FC agreement. While FC and MBI worked through their separate state approval process, the Town and FC worked to develop the Town-FC network construction and Internet services agreement. At its meeting on July 30, 2019, the Egremont Board of Selectmen appointed BOS member Lucinda Vermuelen to join residents Rolfe Tessem and Jeff Lazarus on the Town negotiating team. In separate sessions, the team met with Adam Chait of FC to go over key points to be included in the agreement; with Town Counsel attorneys Jeremia Pollard and Richard Vinette to lay out a plan for drafting the agreement; and with Michael Baldino of MBI

to go over state requirements and recommendations as to provisions that needed to be included in the Town-FC agreement.

During late summer the negotiating team worked with Town Counsel on a first draft of the Town-FC agreement. This contract covers network construction in the unserved areas of Egremont as well as operation of the network once buildout is complete. The contract includes provisions relating to buildout costs and payments, network technology and reliability requirements, Town protection in the event of FC default or business termination, subscriber services and pricing (including pricing for low-income subscribers), among others.

At a Special Town Meeting on September 17, 2019, residents voted to authorize the Egremont BOS to enter into an agreement with Fiber Connect LLC with a term of up to 15 years for broadband service. The Egremont Select Board approved key provisions of the proposed contract at their meeting on September 24, and Town Counsel sent the initial draft of the contract to FC on October 11. The negotiating team proceeded to talk with FC to resolve a number of open issues and questions.

Talks with FC continued through the fall, with several iterations of a draft agreement. By November 2019 we had reached agreement in principle, with a few details remaining to be worked out. Talks concluded with verbal agreement by FC and the Town on a final draft dated January 8, 2020. This draft was reviewed and approved by Town Counsel and formally approved by the Egremont BOS, ready for signature. However, FC declined to sign the agreement before reaching their separate agreement with MBI on the state grant award agreement. FC was concerned that something might come up in the MBI negotiations that would be incompatible with the terms of the Town agreement, and they did not want to be locked in until all provisions were settled.

Special circumstances in Egremont. Early on the Town had identified five roads in the unserved area of Egremont for which network service would present special challenges due to underground utilities or access rights. The FC proposal covered aerial fiber optic cabling in all unserved areas—including roads with existing underground utility service, where FC would install utility poles as part of their buildout within the scope and pricing of their proposal. However, property owners on the UG roads also had the option of arranging for underground installation of network cabling at their own expense. In June 2019, just prior to the close of FY 2019, the Town worked with residents on these roads to help them consider their options.

In July and August 2019, the Town and the affected residents resolved the issues as follows: Property owners on Farm Lane and Miller View Road contracted with FC privately for buildout to their own specifications, at their own expense. Owners on Hickory Hill Road and Brookvale/Hilltop elected to obtain service as part of the Town-FC network extension project using aerial cabling. Owners on Whites Hill Road (where there is roadway access only through Alford) elected to obtain service through the Alfordlink network.

FC-MBI agreement. At the same time that the Town was working with FC on the Town-FC agreement, FC proceeded with their application for the state grant. FC submitted their preliminary financial statements and other required information to MBI on September 4, 2019. Their application was for a “direct progress payment” grant. The Town was not a party to the

FC-MBI negotiations although we regularly monitored their progress and supplied information when requested, such as certified counts of residential dwellings, for example.

The FC-MBI grant award agreement covers the state's payment to FC for construction of the network, with provisions designed to protect the investment of public funds and ensure that taxpayers get their monies' worth. Some of the requirements deal with issues such as criteria for determining when the project is satisfactorily complete, when and under what conditions payment will be made to FC, how the state and the Town are protected if FC goes out of business or wants to sell itself to another Internet service provider, and so on.

FC-MBI negotiations dragged on for many months. The Town repeatedly urged them to resolve their differences and come to agreement. At various times, the Town appealed to our state representatives and to the Governor's office to intervene. At last, on May 14, 2020, the Town received notice that MBI and their two Boards of Directors had approved a "Term Sheet" outlining the broad terms of an agreement, with details to be worked out. This was a significant breakthrough, although as of June 30, 2020 (the end of the period covered by this report), FC-MBI negotiations on the final details of the grant award agreement were still underway.

Emergency backup service. One of the requirements for Internet service that the Town laid out early on is that there be a fallback plan in the event that FC terminates its business in Egremont, whether voluntarily or involuntarily. The goal is to ensure ongoing Internet service with as little interruption as possible. Accordingly, the Town-FC agreement includes provisions for the Town to take over the physical network infrastructure from FC under certain extraordinary conditions. The other necessary element would be an Internet Service Provider (ISP) ready to step in to pick up operations.

Early in 2020 the Town reached out to Holyoke Gas & Electric, which has an Internet services division, and which already works with FC and certain other ISPs to provide behind-the-scenes network services. The Town is exploring how HG&E might be able to serve as a backup operator should the need ever arise. HG&E submitted a draft proposal to provide backup operations, and these discussions were ongoing as of the end of FY 2020.

Looking ahead

Once the Town-FC and MBI-FC agreements are in place, the next step will be for FC to apply to National Grid and Verizon for utility pole licenses to allow FC to hang their cables. These license applications require the utility companies to survey each pole and perform "make-ready" work to prepare for the attachment of FC's cables.

If a pole already meets all codes and regulations, and has the capacity to accommodate the additional cables, there may be no (or only minimal) make-ready work for that pole. On the other hand, poles that are out of code compliance—or that would be rendered non-compliant if additional cables were attached—have to be restructured or replaced. The timeline for make-ready work is controlled entirely by the utility companies and is typically six months or more, sometimes much more. We have learned that the utility companies have a significant backlog of make-ready work in this region; moreover, their union contracts prevent them from subcontracting out this work. The bottom line is that the timing for make-ready work is unpredictable.

To mitigate the uncertainty of make-ready timing, FC will break down their construction plans into segments by geography within the unserved areas of Egremont, and they will file their utility pole license applications according to those segments. In so doing they will be able to begin actual construction work on each segment as make-ready is completed for that segment, and not have to wait for all make-ready in Egremont to be finished. Pole licensing/make-ready is not needed in areas where FC will be installing their own poles. Construction itself is fairly quick and straightforward, and FC will be “lighting up” subscribers as they proceed.

The goal is to have all areas of Egremont covered before the end of 2021. Some areas will be built much sooner than others. But there are many factors that *might* stretch out the timeframe, including a) unanticipated problems in the FC-MBI final negotiations, b) delays on the part of utility companies, and c) unexpected complications during construction (for example, encountering ledge where poles need to be installed). The Town has no control over the timing of any part of this process.

Current status

Subsequent to the end of the reporting year, FC and MBI clarified the terms of their grant award agreement. Partly as a result of the final MBI-FC negotiations, and also due to FC’s reconsideration of the Town-FC agreement of January 8, 2020, FC requested changes to a number of provisions in the Town-FC agreement. As of this writing, FC and the Town have reached verbal agreement on all matters.

The MBI-FC agreement covers grant awards for FC’s buildout in both Egremont and Monterey. In a development that the Town had not originally anticipated, FC determined that they would need not only the Egremont-FC and MBI-FC agreements to be settled, but also the Monterey-FC agreement so that all three would be compatible. Accordingly, at this writing, we have provided our draft agreement to the Town of Monterey, and we are working with them to support their discussions with FC.



(Fiber Connect installing at the South Egremont School House - photo by Mary McGurn)